

DOMESTIC VIOLENCE, CHILD CONTACT AND POST-SEPARATION VIOLENCE

Issues for South Asian and African-Caribbean
Women and Children

A Report of Findings

Ravi K. Thiara

Aisha K. Gill

THE UNIVERSITY OF
WARWICK

NSPCC 
Cruelty to children must stop. **FULL STOP**

 **University of
Roehampton**
London

NSPCC charity registration number 216401 and SC037717,

© NSPCC 2012. You may use this publication for your own personal, non-commercial use and otherwise in accordance with the Copyright Designs and Patents Act 1988 only. No part of this publication may otherwise be copied or reproduced without prior written permissions. NSPCC is a registered trade mark. All rights acknowledged and reserved. Whilst we have made every effort to ensure the accuracy of this publication, we cannot guarantee it and you should not rely on the contents of this publication.

ACKNOWLEDGEMENTS

This research has been made possible by the time, engagement and enthusiastic input of many people. We are grateful to the members of the Research Advisory Group – Saika Alam, Tracey Dawkins, Duncan Gore, Elisabeth Hall, Joan Hunt, Khatun Sapnara, and Hilary Saunders – who provided invaluable advice and guidance throughout the research. Lorraine Radford, and other staff at the NSPCC, recognised the gap in research and supported our endeavours through important steer and guidance. We are grateful to the NSPCC for providing funding and making this study possible. Colleagues at the Centre for the Study of Safety and Well-being, University of Warwick, provided tremendous support throughout the management of this research and special thanks are due to Donna Chung, Christine Harrison, Alison Cowling and Mandy Eaton. Thanks also to the staff in the Social Research Centre at University of Roehampton, in particular Kirin Kang, Nicole O’Keefe, and Quichia Richards who assisted with transcribing of the interviews; and Linda Wilson and Joanne Sibthorpe for their administrative support and help. We are grateful to the anonymous reviewers who provided valuable comments on the draft report.

Our conversations and discussions with individuals and agencies made demands on their limited time. We are deeply grateful for all their input and for simply making time to engage with us. Our greatest gratitude goes, as always, to all the women and children who embraced this research so positively, for sharing their experiences and thoughts. We hope this research makes the difference that you wanted to see in the range of services that work with women and children.

TABLE OF CONTENTS

Introduction	7
Aims of the research	7
Methodology	8
Ethical issues	12
The report	12
Section 1: Research Context	14
Domestic violence and child contact	14
Domestic violence, child contact and ethnicity	19
Section 2: Snapshot of Interviewees and Contact Arrangements	23
Length in the relationship	23
Length of separation	24
Child contact arrangements	24
Children	25
Section 3: Women and Children's Experiences of Domestic Violence	27
Living with high levels of severe and prolonged abuse	27
A range of abuse	28
Involvement of extended family	32
Women's responses to their abuse	34
Impact of abuse on women	38
Children living with abuse	39
Children's voices	43
Men as fathers	46
Summary	49
Section 4: Professional Responses and Women's Experiences	50
Women supportive of safe and beneficial contact	50
Negative responses from professionals and agencies	51
Emphasis on right to contact or presumption of contact	52
Professional responses shaped by social construction of South Asian and African-Caribbean groups	53
Over-reliance on professionals	58
Distrust of professionals	59
Lack of knowledge about the legal process	60
Reluctance to use the legal process, especially African-Caribbean women	61
Extended family involvement	61
Mediation	63
Fear of abduction or separation from children	64

Support from domestic violence and specialist BME services critical	65
Summary	67
Section 5: Children’s Experiences of Contact	68
Experiences of the contact process	68
Impact of contact with fathers	68
Women left to deal with effects of contact on children	73
Children’s views	74
Summary	77
Section 6: Women’s Experiences of Informal Contact	78
Women under pressure to agree to informal contact	78
Women try informal contact but are subjected to continuing abuse	80
Men use informal contact to perpetrate abuse	81
Men use children to pressure and abuse women	82
Men have an ad hoc commitment to informal contact	83
Men frustrate women’s attempts to have contact	84
Summary	84
Section 7: Women’s Experiences of Cafcass	86
Limited but powerful role	87
Equality and diversity – still a ‘work in progress’	88
Belief in the importance of contact for children	92
Other continuing challenges	97
Limited understanding of abuse after separation	99
Limited co-ordination with other agencies	99
Limited work with children	100
Summary	101
Section 8: Women’s Experiences of Legal Professionals and the Courts	103
Continuing limitations despite changes in approach	103
Views of child contact	104
Right to contact	105
Solicitors	106
Courts and judges	115
Summary	124
Section 9: Women’s Experiences of Contact Centres	126
Limited provision	126
Variations in practice and training	127
High numbers of (inappropriate) referrals	128
Language	129
Lack of cultural awareness	130
Safety	130

Women want supervised contact but shortage of contact centres	132
Women bear burden of contact arrangements and of pick up and drop off	132
Men not spending quality time with children during contact visits	133
Men 'play devoted dads' with professionals but play games with women	134
Summary	135
Section 10: Women's Experiences of Post-separation Violence	137
PSV a significant issue	137
Men use legal process to continue abuse	138
Contact and children used to undermine women	140
Wide ranging, extreme and prolonged PSV	142
PSV prevents women and children from moving on	144
PSV poorly understood and responded to	145
Summary	146
Section 11: Recommendations for Change	147
General recommendations	147
Suggestions for Cafcass	151
Suggestions for legal professionals	152
References	154

INTRODUCTION

A recognition of domestic violence as a serious problem is reflected in wide-ranging developments to tackle it over the past 15 years. Emphasis on prevention, protection and justice has enabled criminal justice and other responses to be increasingly embedded. In practice, however, a number of contradictions remain in addressing this pervasive issue that challenge established notions of family life and a defined gender order, parenthood, and the rights of individuals, including children. It is in the area of child contact, in the context of domestic violence, that these contradictions are exposed more than any other by a growing body of research, in spite of significant policy and legal developments in recent years. Despite this increased knowledge in relation to the general population, child contact issues for black and minority ethnic (BME) women and children remain unknown and are assumed to be similar to those of the general population. Currently, there is no research which has directly explored the ways in which ethnicity, domestic violence and child contact may intersect and differently affect BME women and children's experiences.

AIMS OF THE RESEARCH

Devised as a qualitative study, this research was aimed at addressing the existing gap in our knowledge about contact issues where there has been domestic violence as they are experienced by two groups of women and children – South Asian and African-Caribbean. It was intended to nuance and inform the ongoing debate about this contested area of policy and law and to ultimately promote the safety of women and children by raising issues that can help to increase the understanding and practice of the numerous professionals involved in this area. The decision to focus on these two groups was made because of repeated concerns, expressed by practitioners supporting them, about the serious issues encountered by women and children in relation to contact with their ex-partners and families, on the one hand, and their treatment by relevant professionals, on the other. Although it was not the intention to provide detailed comparisons, a decision was made to focus on two parts of the country with a high proportion of these two groups to capture possible differences in professional practice and issues faced by women and children.

In exploring the experiences of post-separation child contact among South Asian and African-Caribbean women and children, the aims of the research were to:

- Develop further understanding of the range of issues faced by women and children in relation to child contact in the context of domestic violence and post-separation violence.
- Identify the services being accessed by and available to women and children and to explore how these services were responding to and experienced by them, including their experiences of assessments, contact processes, and actual contact arrangements.
- Ascertain experiences of and the kinds of support required by women and children in such situations.
- Make recommendations for policy and practice.

Among the many questions the research sought to answer were: What are the particular issues and experiences of South Asian and African-Caribbean women and children of post-separation contact arrangements? What are the differences and similarities with the general population? What role does child contact play in the post-separation violence experiences of women and children? What attention is given to issues of safety and protection and to ethnicity and their culturally specific locations? What gaps have women and children experienced in policy, legislation and available services? What are their needs and what service responses are required by women and children?

METHODOLOGY

Since an in-depth exploration of women and children's experiences and professional responses was aimed at, a qualitative methodology was adopted for the research. It incorporated women and children accessing a wide range of service settings, including domestic violence services (refuges and floating support), Cafcass, contact centres and other community based services. The experiences of those with a range of contact arrangements as well as those still in the process of finalising arrangements were incorporated. The two research sites were selected on the basis of the size of the resident South Asian and African-Caribbean populations and the availability of specialist services that would be able and willing to allow access to service users. The research was conducted between June 2008 and April 2010.

Interviews with key professionals (national and local)

Face to face and telephone interviews were conducted with 11 key national professionals from the domestic violence, legal, contact, and academic arenas at the start of the research to help further refine the research questions. This also enabled the research team to build an overview of contact issues within law, policy and practice and to identify where gaps remained in relation to South Asian and African-Caribbean women and children. At the outset, project information was widely disseminated through numerous email circulation lists as well as short articles published in Women's Aid, NSPCC and Imkaan newsletters.

In both research sites, contact was made with local professionals and services with expertise in the area of child contact and domestic violence, and with those with experience of supporting BME families. Although 25–30 interviews were planned for both sites, the complexity of the issues, as well as a high level of interest from professionals in the subject of the research, resulted in a total of 71 interviews and discussions with professionals from a range of backgrounds being completed. The table below provides an overview of the local professionals interviewed.

Professionals interviewed	Number (%)
Domestic violence services	18 (25.4%)
Cafcass	17 (23.9%)
Contact centres	7 (9.9%)
Solicitors	7 (9.9%)
Barristers	4 (5.6%)
Judges	4 (5.6%)
Children's guardians	2 (2.8%)
CYP and Families	2 (2.8%)
Multi-agency professionals group discussion	10 (14.1%)
Total	71 (100%)

An email to over a hundred solicitors to gain feedback was also circulated through a professional at one of the research sites and three responses received. In addition to formal interviews and discussions, a few presentations and numerous meetings took place with services and individuals either as part of gaining access to interviewees or because professionals were interested to find out more about the research. This was a continuous and necessary process throughout the research and helped to identify women and children for interviews and to reinforce the issues raised in the formal interviews. Topic guides were developed for each set of professionals to obtain information that was specific to each professional group, including the nature of their work, the issues arising in their work in relation to South Asian/ African-Caribbean women and children, their current responses to contact, domestic violence and South Asian/ African-Caribbean women and children, existing gaps and what service improvements were required. More general questions were also asked of all professionals and included their views about child contact in the context of domestic violence, their views about other agencies' responses to both groups of women in relation to contact and domestic violence, and what improvements in service responses they considered important. The topic guides were piloted with two professionals and their feedback was used to modify and refine the questions before being used in the field.

Interviews with women

Interviews were completed with a total of 45 women, more than the 35–40 originally planned. Of these, 30 were South Asian (17 Pakistani, nine Indian, three Bangladeshi, one Persian) and 15 were African-Caribbean women. Further details of the interviewed women are provided in section 2. While the time and work needed to secure interviews was extensive, it was somewhat easier to gain access to South Asian women engaged in contact proceedings or other contact arrangements than it was to African-Caribbean women. Partly, this was because there were more domestic violence support services, used as the first point of entry by the research team, in existence at the time for South Asian women. However, African-Caribbean women were also widely reported not to use formal processes for contact disputes, closing this as a route of access. Further efforts were needed with this group to make contact with

women involved in informal contact arrangements. Although it took longer than anticipated to secure interviews and fewer interviews were completed with African-Caribbean women, past contact between the researchers and support services helped greatly in this process.

A detailed topic guide was devised and used for the interviews with women. Given the complex and changing nature of the arrangements for contact, the topic guide incorporated questions about different arrangements with clear directions for the researchers about which questions to pursue. The topic guide was piloted with two women who agreed to give feedback on the interview questions and process and then further refined before being used for the fieldwork. Interviews were conducted with women between November 2008 and March 2010 and lasted between one to two hours. Of the 45 women, 28 were accessed through domestic violence services, 12 through contact centres, four were as a result of self-contacts by women who had found out about the research through fliers, and one woman was accessed through a solicitor. Twenty-four women were interviewed in one research site and 21 in the other. Where necessary and appropriate, interviews were conducted in the woman's preferred language by a member of the research team.

The process of accessing women was a lengthy one and required the research team to keep in constant contact with the range of professionals and agencies being used as points of access. In a few cases, women who had initially agreed to be interviewed changed their minds either on the day of the interview or during the initial conversation. In all such cases, this was because women were still distressed about their experiences of ongoing contact disputes and did not feel able to conduct a formal discussion. However, those who had come for the interview spent considerable time speaking to the researchers 'off the record'. Women making informed decisions and the eventuality of withdrawing from the research were covered by the informed consent procedures devised for the research which included clear information sheets for women, consent forms detailing their participation in the research and their right to withdraw at any point, and debrief information sheets containing information about sources of help and support. Before each interview, an information sheet was completed for each woman which collected the following information: age, ethnicity, details of children, if un/employed, relationship status, language spoken, length of time in the UK, if considered to have 'no recourse to public funds', time in the relationship, time separated, details of accommodation, and if they had to leave the area they had been living in. This provided a quick overview for each woman and helped to ensure diversity in the sample of interviewees.

Discussions with children

We aimed to interview children aged between six and 16 years. Extensive contact was made with a range of services to gain access to children. The interviewed women were also asked for their consent to hold discussions with their children. Great thought was given to devising informed consent procedures for children and, as well as gaining the consent of their mothers, child friendly fliers and consent forms were developed to also gain the consent of children. All children were asked if they preferred their support workers to be present during the discussion but all refused this option. A flexible approach was adopted for the discussions with children and both child friendly interview questions as well as a range of activity sheets, enabling children to colour in, write, and give feedback through the activities, were developed for use in these discussions. A leaflet targeted at older children was devised with input from young people at the NSPCC and widely circulated to services and professionals, giving young people great flexibility in contacting or feeding back their comments to the research team. Access to children for face to face discussions was ethically and sensitively obtained through workers and mothers. Child friendly

questions included the following themes: what they felt about the situation they were living in; how they felt about their dads when they were in that situation; how they feel about their life now; how they feel about contact with dad and how they feel about their dad now; did they feel listened to when decisions were being made about contact and seeing their dad; and general views about seeing dad. Care was taken to ask balanced and open question within each theme. Before each interview, an information sheet was completed for each child collecting the following information: age, ethnicity, gender, language spoken at home, where currently living, if they see dad, how often and where. As with women, this provided a quick overview for each child.

A total of 19 children were interviewed between May 2009 and March 2010. Sessions with children lasted from half-an-hour to fifty minutes. Of these, 10 were accessed through domestic violence services, three through contact centres, and six were self-contacts where mothers made contact with the researchers directly after seeing the research publicity. The mothers of 10 children also participated in the research. Although the process of gaining access to all children was extremely time consuming, as with women, it was more difficult to secure interviews with African-Caribbean children than South Asian children. Consequently, 14 of the children were South Asian (six Pakistani; five Indian; two Persian; one Bangladeshi) and five were African-Caribbean. Seven children only completed activity sheets while 12 completed activity sheets and allowed the researchers to record the discussion.

Analysis

All interviews were transcribed and, where required, translated and generated almost 2,000 pages of script. All transcripts in each data set – women, legal professionals, domestic violence services, contact centres, Cafcass, children, multi-agency professionals – were read and re-read to identify the key emerging themes. As part of the thematic analysis, themes identified across all the data sets were triangulated to finalise the key emerging issues which are presented in the findings contained in this report. Strong and consistent themes were evident across the data sets giving us confidence that they captured the key issues identified for professional responses and for women and children's experiences. Since qualitative research is aimed at facilitating deeper insight into smaller groups of people than quantitative research, this means that it is illustrative and cannot be conclusive about the extent to which something is happening on a larger scale. It is evident that the number of South Asian women and children is greater creating a possible bias in the results and limiting the claims that can be made about the experiences of African-Caribbean women and children. However, despite the smaller numbers, all professionals were asked about the issues arising in practice for this group, giving us confidence that that the key issues have been captured. Moreover, the difficulties in accessing this group of women and children is a finding in itself and gives strength to the view of professionals that African-Caribbean women are under-utilising the formal contact process and tending to use informal contact arrangements. Thus, like other qualitative research, whilst this research cannot be taken to be valid for *all* women, children and professionals, the range of voices included and the depth of the issues raised provide an insight into some of the challenges that exist for professionals and that are faced by women and children in traversing the intersection of ethnicity, child contact, and domestic violence.

Use of quotes

Quotes from women, children and professionals have been frequently used in the report to support and evidence the analysis points and to give voice to the research subjects. In line with the assurances given, all interviewees have been anonymised and in using quotations, the report has utilised abbreviations to signal either the ethnicity or professional background of respondents. For example, women are presented as SA1, 2 or AC1, 2 etc. to signify the ethnicity and number allocated to the interviewees; for children this appears as SA or AC and age and gender. Similarly, professionals are designated as DV1, 2 (domestic violence services) or B1, 2 (barrister) or J (judges) or S1, 2 (solicitors) or C-S1, 2 (Cafcass Senior officers), C-G (Cafcass group), FSW (Family Support Worker), CC (Contact Centre), N (NACC) to signal their professional background.

ETHICAL ISSUES

It was recognized by the research team that particular care is needed when undertaking research relating to domestic violence, with confidentiality being more than usually important. This is especially so when conducting research with women from minority ethnic communities. Since women who have been disempowered by violence have a particular need not to give away power to researchers, the importance of consulting them fully and obtaining their informed consent for involvement in the research process was recognized and measures taken to achieve this. Ensuring the safety (physical and emotional) of women and children was given the greatest priority by the research team, who are highly experienced in the conduct of sensitive research with marginalized groups, and relevant sources of support and information prepared and given to women, where appropriate, along with the name and contact for a support worker who could be available after the interview session.

A complete assurance of anonymity and confidentiality was given to all interviewees and has been respected in the reporting of findings. As is normal practice within the Centre for the Study of Safety and Well-being, all recorded interviews and anonymised transcripts were stored in a secure place, only accessible to the research team. The research was conducted within the ethical and professional guidelines for research of the British Sociological Association and the research section of the British Association of Social Workers' *Code of Practice*. This reflects its interdisciplinary nature, and provided an overall ethical and professional standard for the research. Ethical approval was gained from the University of Warwick Ethics Committee, the NSPCC expedited ethical review, and the Cafcass research ethical process.

THE REPORT

To contextualise this study, the first section of the report provides an overview of the research knowledge on the issues of child contact and domestic violence. By presenting a brief snapshot of the women and children interviewed and the range of contact arrangements in place, the report then sets the scene for the ensuing discussion. In section three, the abuse experiences of women and children when living with domestic violence are presented along with a discussion of men's relationship with their children and their role as fathers. Section four provides an account of the key themes identified in the responses from professionals and the ways in which these are experienced by women when going through contact processes. Children's experiences of and views about contact with their fathers are the focus of section

five which outlines the ways in which contact processes impact on children by including children's voices. Women follow a range of contact routes and section six discusses women's experiences of informal contact arrangements. The focus of section seven is the role played by Cafcass in providing a service to families going through contact proceedings and the ways in which this is experienced by women. The legal responses to women and children are discussed in section eight, focusing particularly on responses from solicitors, the courts and judges. Contact centres are a crucial aspect of provision for families who have formal contact arrangements in place and section nine elucidates women's experiences of using such facilities. Section ten elaborates on the nature of abuse experienced by women and children after separation and the significance this has for their experiences of child contact processes. The report concludes by outlining general and specific recommendations for change for key service providers to better ensure safety for South Asian and African-Caribbean women and children caught up in post-separation contact disputes where domestic violence is a factor.

SECTION 1: RESEARCH CONTEXT

The number of children affected by parental separation is considerable, estimated to be around a quarter of all children in the UK (three million of the 12 million) (Hunt and Macleod, 2008). The Family Justice System is used when voluntary agreements cannot be reached by separating parents or when issues of safety and wellbeing resulting from domestic violence, amongst others, are raised. Measures that can be applied for under Section 8 of the Children Act 1989, which has given legal sanction to shared parenting by redefining parental responsibility and embodied a presumption in favour of contact, include a residence order, contact order, specific issues order or a prohibited steps order. Section 4 of the Children Act 1989 (as amended by the Adoption and Children Act 2002) makes provision for a parental responsibility order (Aris and Harrison, 2007). An overwhelming majority of separated/divorced parents do not use the law to make decisions about child contact (only around 10% use the law). However, given the high numbers of contact applications involving allegations of domestic violence within this 10%, maintaining contact when there are issues of domestic violence has raised a lot of contention, in the UK and elsewhere, about whether it truly serves children's interests or in fact foregrounds and reinforces men's rights as fathers. Since the Sturge and Glaser Expert's Report, also reflected in a number of Court of Appeal decisions, it has widely come to be accepted, in theory at least, that promoting contact with the non-resident parent has to be weighed against the potential harm caused by exposure to violence (2000; *Re L*; *Re V*; *Re M*; *Re H* [2000] 2 FLR 334). This is, however, frequently in conflict with current government policy which emphasizes the importance of promoting contact between children and their separated parents unless contact is considered unsafe.

DOMESTIC VIOLENCE AND CHILD CONTACT

Concerns about the possibility of the absence of fathers from children's lives and their right to be present has seen much preoccupation at the level of policy and law, and also resulted in creative and persistent campaigning by the fathers' rights movement (Bradshaw et al., 1999). At the same time, concerns about domestic violence, highlighted through extensive research and campaigning by women's organizations, have led to increasing recognition of the damage caused by men's violence to women and children and measures to address men's violence. However, as pointed out by Harrison, 'it appears that concerns about the family continue to dominate and that the political objective of reinforcing the position of the father in the post-separation family has frequently displaced considerations of women's safety and children's well-being' (2008:382). Indeed, it is the focus on safety (women and children) that has led numerous researchers to highlight the ways in which contact arrangements, where there has been domestic violence, despite developments in recent years, frequently serve to undermine the safety of women and children in the post-separation period.

It is not our intention here to rehearse in detail the knowledge base about domestic violence and child contact but rather to nuance this existing knowledge through our own research on the experiences of South Asian and African-Caribbean women and children and the intersection of domestic violence, child contact and ethnicity. It is worth, however, noting some key issues from this existing research. These are as follows.

- An enduring preoccupation with the importance of having fathers in children's lives following parental separation to avoid negative impact on children, along with the continued separation of discourses about the family and the role of fathers, on the one hand, and domestic violence, on the other, in practice undermines the safety of women and children through a continuing minimization of domestic violence (Dalton, 1999; Harrison, 2008).
- There is no statutory presumption of contact in the Children Act 1989, which emphasizes the best interests of the child as the overriding principle. Although most parents resolve contact by agreement, estimated to be 85% of contact cases, where they cannot and use the courts to resolve contact issues, they are likely to encounter an entrenched pro-contact stance (Hunt and MacLeod, 2008). Indeed, the pervasiveness of the presumption of contact and the pro-contact position within Family Law practice is reflected in the high numbers of contact orders issued – in 2003, of the 67,184 applications in England and Wales, only 601 (less than 1%) were refused (see Aris and Harrison, 2007). Given the high percentage of contact cases that involve issues of domestic violence, this creates concern about both the pressures on women to agree to contact as well as the sort of contact arrangements made. Recent research on Cafcass practice shows that while the issues of domestic violence and listening to children's voices are addressed on the whole, they are not impacting consistently on child contact outcomes, which are more consistently shaped by other factors such as 'pragmatism' and 'child welfare' ideologies (Macdonald, 2008).
- In one study, only 37% of contact cases had no 'serious welfare issues', with domestic violence being raised as a concern in a third (34%) of these cases but featuring at some point in *half* the cases, child abuse and neglect in over a fifth of cases (23%) and fear of abduction in 15% of cases (Hunt and Macleod, 2008:239). Despite such concerns, non-resident parents achieved the type of contact and the amounts of contact they sought – 60% of cases with welfare concerns resulted in either staying or unsupervised contact; only in 4% of cases was supervised contact ordered. In general, non-resident parents applying for contact are likely to get it unless they withdraw, drop out or do not turn up, leading researchers to argue that 'the courts and Cafcass are not biased against non-resident parents who generally get a good deal' (Hunt and Macleod, 2008:6). Indeed, all professionals involved in the contact process – courts, lawyers and Cafcass – start from a position of pro-contact and 'make considerable efforts to bring this about' (Hunt and Macleod, 2008:8). Consequently, the foregrounding of fathers rights, rather than the welfare of children which is enshrined in legislation, continues to be reflected in the presumption of contact within private law proceedings (Smart, 2004).
- Men who are violent continue to be treated in different ways within public and private law proceedings. The pro-contact philosophy operates in private law, with possible grave consequences when there are concerns about domestic violence, whilst in public law the recognition of the impact of domestic violence on child's welfare can result in greater restrictions on men's involvement with children. Hester (2004) has also argued that the separation of and contradictory professional ideas, practice and approaches to domestic violence (violent male partner), child protection (mother failing to protect) and child contact ('good enough' father) constitute 'three planets' which display few linkages and differing constructions of women and men (for a fuller discussion see Radford and Hester, 2006).
- Harrison (2008) and others have highlighted the construction of women as implacably hostile in the face of the emphasis on shared parenting, even when they may be airing concerns about their own safety and the continuing negative effects of contact with an abusive father on children and in fact being 'appropriately protective'. This view persists despite Sturge and Glaser's explanation for why a resident parent may adopt a position of implacable hostility, including a fully justified fear

of abduction and a fear of violence or other threat and menace (2000:10). Recent research has also shown that implacable hostility is rare, present only in around 4% of cases (Hunt and Macleod, 2008).

- Resident and non-resident parents have been shown to be positive about contact for children despite experiencing problems with contact, and resident parents report facilitating contact themselves and encouraging reluctant children (Hunt and Macleod, 2008; Peacey and Hunt, 2009). Women are generally supportive of contact with fathers and even women who have experienced domestic violence support contact between their children and their fathers (Radford et al, 1999). However, those who have serious concerns about the care of children by non-resident parents manage the issue to ensure that children are not put at risk (Peacey and Hunt, 2009), reinforcing the findings of other research which shows that in situations where there has been domestic violence, women are frequently left to manage men's behaviour (abusive) during contact arrangements, making the importance of contact centres in ensuring safe contact even more crucial. Indeed, informal contact arrangements are extremely common but tend to involve unpredictability or power and control issues on the part of non-resident parents. Concerns about their own safety is a factor in almost a fifth of cases where resident parents had stopped contact (Peacey and Hunt, 2009:161).
- It is not contact in itself but the *quality* of contact between a child and the non-resident parent that is important and which reduces the likelihood of negative outcomes of parental separation for children (Hunt and Roberts, 2004). Indeed, conflict over contact between parents, rather than an absence of contact, is more likely to result in poorer outcomes (Johnston and Roseby, 1997). A study shows that many resident parents expressed concerns about the quality of care provided by the other parent during contact visits (Peacey and Hunt, 2009).
- The existence of domestic violence, with its widespread deleterious effects on women and children, provides a counter argument to a pro-contact philosophy. It is now widely known that domestic violence can commence or intensify during pregnancy, leading many to suggest that the dual attack on the mother and her unborn child constitutes a form of child abuse (Kelly, 1994; Mezey and Bewley, 1997), and that violence perpetrated on women with young children is an attack on the mother-child relationship (Bancroft and Silverman, 2002; Thiara et al, 2006). Significantly, research on mothering and the mother-child relationship has shown that perpetrator's tactics of abuse frequently involve the under-mining of mothering, and this, together with the on-going effects of violence, can impact on women's ability to look after children, especially if women remain unsupported, but which can lead to women being seen as neglectful (Humphreys et al., 2006; Radford and Hester, 2006).
- The connection between violence against women and child abuse has been well established and it is known that domestic violence increases the likelihood of violence towards children and the duration of violence enhances the risk for children, with co-occurrence of domestic violence and child abuse reported as being between 30% to 60% by various research (Edlesen, 2001; Hester and Pearson, 1998; Straus, 1983). This is likely to be further compounded for some minority ethnic children who, because their mothers are subjected to extreme abuse over longer periods before seeking help, are likely to witness or be directly abused within a context of repeated abuse (Humphreys and Thiara, 2002; Thiara, 2010).
- The negative effects of direct and indirect domestic violence on children can cause great emotional harm to children, and, depending on the age, gender, disability and stage of development, lead to both externalized and internalized responses (see Mullender et al, 2002). Because of exposure to violence,

the emotional abuse of children by violent men is likely to be even greater than physical violence (Wolfe, Crooks, McIntyre-Smith and Jaffe, 2004). The on-going fear of violence recurring has also been shown to be damaging to children, as the 'persecutory fears' can be deep seated (Jaffe et al 2003; McCloskey et al 1995). As well, the harm to children caused by undermining women's authority and disparaging their character in front of children, along with attempts to use children to control the mother, has been shown to occur more often after separation by serious abusers (Beeble, Bybee and Sullivan, 2007). Being away from abuse is reported to be beneficial for women and for children (Rossman, 2001).

- There are few studies of children's perspectives on contact arrangements though children want to be consulted about these issues (Hunt and Roberts, 2004). A study shows that while some children were positive about contact, a third were ambivalent, reluctant and opposed to contact (Aris et al, 2002). Although the welfare checklist in Section 1 of the Children Act 1989 directs courts to take account of the wishes and feelings of children, the limited efforts to hear children's views have been extensively highlighted (see Radford and Hester, 2006) and even when children express their views, their voices are marginalized and seen to be influenced by their mothers. As Harrison states 'a presumption that contact was invariably beneficial led to a selective approach to children – who were believed if they said that they wanted contact but overruled if they did not' (2008: 399). Thus, it has been argued that despite measures to give voice to children in proceedings, the value placed on contact can serve to marginalize the views of children who express opposition to contact (Hunt and Macleod, 2008; 236).
- Separation and the post-separation period are now considered to create greater danger for women and children, sometimes resulting in death (Saunders, 2001, 2004; Richards, 2003; Brownridge, 2006). Since child contact occurs in this context it can become the prime site of continuing abuse for women which undermines their safety, where children may be more likely to witness violence than even before separation (Hester and Radford, 1996; Hardesty and Chung, 2006). As many as 76% of women in contact with outreach services reported experiencing further abuse, and for 36% this was chronic post-separation violence (Humphreys and Thiara, 2002). Thus, child contact is a form of post-separation violence, and includes violence and harassment 'before, during and after child contact but also continuous litigation' where use of the legal system itself has been identified as a form of harassment (Bancroft and Silverman, 2002; Harrison, 2008). Others suggest that child contact often replaces the intimate relationship as the avenue for men to control women (Eriksson and Hester, 2001). In particular, fear of abduction¹ by the non-resident parent is reported to be a serious concern in much of the research, with almost a quarter of resident parents highlighting this while a tenth reported that abduction had been threatened (Aris and Harrison, 2007). A survey of 130 abused parents found that 76% of the 148 children ordered by the courts to have contact with their estranged parent were said to have been abused in the following ways during visits: 10% were sexually abused; 15% were physically assaulted; 26% were abducted or involved in an abduction attempt; 36% were neglected during contact; and 62% suffered emotional harm. Most of these children were under the age of five (Radford, Sayer & AMICA, 1999.) Another study showed that more than half of those with post-separation child contact arrangements with an abusive ex-partner continued to have serious, ongoing problems with this contact (Humphreys and Thiara, 2002; see also Stanley et al., 2011).

¹ In this context abduction refers to situations where a parent (usually a father) is alleged to have kept children after contact; taken them from school; from the street; has taken them abroad or has threatened to take the children to another country.

- In such post-separation contexts, the benefits of contact for children with men who continue to be abusive have been widely questioned (Jaffe et al, 2003). This has been emphasized by Sturge and Glaser (2000) who challenged the automatic assumption that contact with a violent parent is in the interests of children, instead suggesting that it should work in the opposite direction and ‘the case of the non-residential parent one of proving why he can offer something of such benefit not only to the child but to the child’s situation’ (2000:11). Indeed, children’s recovery has been linked to that of their mothers, with being safe and away from violence identified as the two key determinants of children’s recovery, along with being able to speak to someone in safety (Mullender et al. 2002). This clearly signals a warning to those involved in making decisions about contact to keep children’s welfare and safety linked to, though not subsumed by, that of their mothers (Edleson et al, 2003; Harrison, 2008), especially in the face of limited therapeutic or support services specifically for children.
- Minimisation of domestic violence, disbelief, and mother-blaming have been highlighted by research on child contact and domestic violence, showing that pro-contact discourses often displace evidence of domestic violence among the courts, other professionals and contact centres (Dewar and Parker, 1999). In the face of inadequate evidence, women are often viewed as using allegations of domestic violence to obstruct contact (Radford et al, 1999). For black and minority ethnic women, this creates additional issues as they are less likely to have the necessary evidence and thus experience greater barriers in being understood or believed (Thiara, 2010). Even where there is evidence of domestic violence this does not always influence court decisions about contact and violent fathers are unlikely to be refused contact (Aris and Harrison, 2007), something also reinforced by findings in the US (O’Sullivan et al, 2006). In such contexts of minimization, disbelief and mother blaming, women are frequently left to manage men’s violent behaviour following ordered contact.
- Men who are violent show great inconsistency in parenting and their behaviour during supervised contact is not an accurate reflection of their parenting style when not observed (Edleson et al, 2003). However, in practice men’s potential to be good fathers is often separated from their violence towards their partners (or their children), resulting in an over-estimation of violent men’s parenting capacity. Indeed, research shows that many professionals have difficulties in identifying abusive men which further serves to create problems in dealing with men’s violence (Hester et al, 1997). Although there are some initiatives that aim to engage with violent men as fathers, the absence of interventions to address and improve men’s parenting have been highlighted by some researchers (Radford et al, 2006), with calls being made for early intervention projects with violent men (Featherstone and Peckover, 2007). Indeed, although there is limited research in the UK on fathering in the context of domestic violence, available research shows that men frequently blame others, including children, for their abusive behaviour and take little responsibility themselves (Harne, 2004 and 2011). Moreover, it is argued that under-involvement by abusive men in children’s care is matched by emotional detachment to children and a high level of abuse and neglect which continues during contact (Radford et al, 1999). This construction of fatherhood as non-violent in the context of separation has potentially dangerous consequences for the safety of women, children and children’s welfare (Eriksson and Hester, 2001), which leads to the enduring dichotomous view of men as good fathers and as violent men (Hester and Harne, 1996). The continuing emphasis on the equal rights of fathers results in the limited involvement of men with their children being viewed as ‘good enough fathering’, with an absence of any legal sanctions for men who refuse to see children even if children want the contact (Eriksson and Hester, 2001).
- Contact centres, supervised and supported, are highly used by resident mothers who have experienced domestic violence (reported to be 86% in the research by Aris et al., 2002), and who continued to experience post-separation violence (reported in the same study to be experienced by over 60% of

women). High proportions of women from black and minority ethnic backgrounds were found to be using contact centres, reported to be 60% in some (Aris et al., 2002). However, the majority of centres display inconsistency in practice, especially since supported centres, considered inappropriate in domestic violence situations, form the bulk of provision and are staffed by volunteers. The most commonly used safety strategy by supervised and supported contact centres is staggered arrival and departure times (Harrison, 2008; Humphreys and Harrison, 2003). Research generally highlights the chronic shortage of contact centres: 'good contact centres with good facilities and good supervision are scarce and by and large not available for long term arrangements; it is expensive' (Sturge and Glaser, 2000:14).

- Policy, legal and practice changes in recent years – including a series of Court of Appeal decisions, extension of the definition of harm through the Adoption and Children Act 2002 to include witnessing ill-treatment of another person, the *Contact and Domestic Violence: The Experts Court Report* for the Court of Appeal (Sturge and Glaser, 2000) and *Guidelines on Child Contact Where There is Domestic Violence* (Lord Chancellor's Department, 2001), and two Practice Directions (May 2008, January 2009) – have emphasized the importance of considering, at the earliest opportunity, domestic violence in contact disputes. The introduction of the C1A form in 2005 (to become the C100 for S8 private law proceedings), the amendment to the Children Act relating to contact orders by the Children and Adoption Act 2006² and practice developments within Cafcass which, in its shift towards safeguarding, has introduced screening and risk assessment procedures for domestic violence (Section 7 of the Children and Adoption Act 2006 requires risk assessments to be carried out in private law proceedings where they consider that there is cause to suspect that a child is at risk of harm) also signal a significant departure, in theory, from past approaches. However, despite these developments many continue to question the extent to which they ensure the safety of women and children in contact proceedings. Inspection reports of Cafcass have highlighted continued failures to fully implement screening and risk assessment or to take account of safeguarding children in relation to domestic violence.

To summarise, making arrangements for child contact in the context of domestic violence has been characterised by attempts to reconcile the principle of promoting a child's relationship with a separated parent, with recognition of the damaging consequences of domestic violence for women and children. The evidence from research suggests that this has resulted in a great deal of ambiguity and contradiction in policy, law and practice that may compromise the safety of some women and children. Despite recent policy changes and new guidelines, these difficulties persist and are often compounded for women from diverse ethnic and cultural communities.

DOMESTIC VIOLENCE, CHILD CONTACT AND ETHNICITY

There is now an established knowledge base about the issues of domestic violence and black and minority ethnic (BME) women, though research has largely been focused on particular groups. Research on African-Caribbean women and children remains extremely limited. Given their location at the intersection of numerous structural inequalities – intersectional discrimination – available research has

² This took effect from 8 December 2008 enabling the courts to make contact activity directions (include programmes, classes and counselling or guidance sessions to assist in establishing, maintaining or improving contact, such as programmes addressing violent behaviour; they do not include referrals to mediation) and/or contact activity conditions. The court may ask Cafcass to monitor compliance with this (DJ Duncan Adam, Law Gazette, 16 July, 2009).

repeatedly shown that BME women and children affected by domestic violence face similar as well as additional issues and pressures that compound their situations (Anitha, 2008; Patel and Siddiqui, 2010; Thiara, 2005; Wilson, 2006). While BME women and children are just as likely as others to be victims, it is becoming clear that there are important differences in their experiences which can influence their responses and the way they are treated by service providers.

The experiences of domestic violence are more complex for BME women and children who are more likely to suffer abuse from multiple family members as well as their partners and fathers (Thiara, 2005). Cultural beliefs such as *izzat* and *sharam* (honour/reputation) can control women's behaviour and constrict their choices, especially around help-seeking (Izzidien, 2008). Such values have also been found to influence children, making it difficult for women, as they become concerned about others in close-knit communities finding out (Thiara and Breslin, 2006). In looking at the impact of domestic violence on the mother-child relationship, research reveals that these issues can have great resonance with the experiences of abused South Asian women, a significant number of whom are systematically denied the opportunity to build a relationship with their children who are seen as the property of the father and his family (Thiara et al., 2006).

Inappropriate professional responses from statutory and voluntary services is a common experience highlighted by research for BME, especially South Asian, women and children experiencing domestic violence, as is the reluctant engagement by agencies and professionals for fear of appearing to be racist (Izzidien, 2008; Batsleer et al, 2002; Burman and Chantler, 2004). Concerns about the lack of co-ordination and multi-agency work in responding to South Asian families have also been highlighted as have high levels of stereotyping and racism. Indeed, the pathologising of black families by professionals who tend to misunderstand or essentialise cultural specificities has been revealed for some time in the social care literature (Quereshi et al, 2000). The use of 'culture' to explain problems in service delivery is reported to be widespread, with professionals' inadequate understanding of cultural specificities often seen by them to act as obstacles in providing effective responses to, for instance, South Asian families (Quereshi et al, 2000). Research has also pointed out the limitations and inadequacy of using 'culture' as a concept to assess risk and needs and to frame appropriate responses, instead emphasizing the heterogeneity of communities and that 'the cultural context of two families living as neighbours, even if from the same religious and ethnic background is unlikely to be identical' and that explaining issues solely in terms of culture, though relevant, is inadequate in supporting individual families' (Quereshi et al., 2000:59).

Wider discriminatory immigration policies, especially the issue of 'no recourse to public funds,' continues to have negative consequences for many women and children in domestic violence situations and can determine whether they seek help in the first place and subsequent service responses (Anitha, 2008, 2010; Mouj, 2008; Sharma and Gill, 2010). In particular, where there is an absence of settled immigration status for women, child contact and the threat of abduction can be used by the abuser to create additional difficulties for women and children.

According to previous research, South Asian children have a greater expectation of help from family and their own networks rather than professionals (Izzidien, 2008). Indeed, they may lack awareness about the implications of disclosure and the response from agencies and have negative perceptions of services, leading to greater disinclination to seek help. Anxieties about breaking up the family and letting down those close to them also act as barriers for children. All of this is made worse because services for BME children affected by domestic violence are highly under-developed and specialist services for women

and children are increasingly under threat (Thiara and Breslin, 2006; Roy, 2008). Contact with the wider family – grandparents/aunts who may collude with the abuser and who children may want to maintain contact with – can create additional problems and issues for BME women and children. Clearly, the family can be both a source of support and abuse for BME children depending on the responses from wider family members (Mullender et al., 2002). Contact with the family, where positive, is an important resource for children in coping with/surviving domestic violence and its absence can lead to greater isolation and vulnerability (Thiara and Breslin, 2006). However, abusive men frequently use such contact with children as a way of continuing abuse against their partners and threats of child abduction are reported to be particularly high.

Recent research suggests that allegations of abduction³ are a particular feature of post separation violence and are a significant issue for high numbers of BME women (Thiara, 2010). This research also shows that around half of South Asian women were susceptible to post-separation violence, reflecting previous findings which suggest that BME women are more likely to experience on-going abuse for longer periods after separation (Humphreys and Thiara, 2002). Harassment or violence from extended family members was the most common form of post-separation violence experienced by 56% of women (Thiara and Roy, 2009). In most cases where abduction is alleged after child contact, it is an event which falls short of the legal definition of abduction and may instead be more accurately seen as a form of violence/abuse which becomes more common as parents become less accessible to direct forms of abuse after separation⁴. A major study concludes that 23% of the child abductions in 2002/03 recorded in the UK (which did meet the legal definition) were abductions by a parent (141 cases involving 180 children), that victims of parental abduction were much more likely to come from minority ethnic groups compared with other types of child abduction and that the number of parental abductions increased by two thirds across England and Wales, from 56 offences in 2001/02 to 92 offences in 2002/03 (Newiss and Fairbrother, 2004). Women's fears of abduction, based on threats or attempts by abusers, are extremely common and reported in much of the existing research.

In relation to child contact, research by Aris and Harrison (2007) has pointed to the disproportionate number of BME families appearing in child contact centres in particular localities and studies have indirectly shown that ethnicity introduces a range of issues and pressures that significantly compounds the situations of women and children affected by domestic violence. A considerable number of private law service users are reported to be from minority ethnic backgrounds, numbering around 13.5%. Research into Cafcass practice with BME families found that almost three-quarters of practitioners stereotyped these families, with almost two-thirds having mainly negative stereotypes of South Asian families (Prevatt Goldstein, 2009). Moreover, it has been found that the complexity of issues often leads to avoidance among practitioners, creating greater space for minimization of violence by individuals, and results in a greater acceptance rather than an interrogation of individual statements and accounts. An inspection report of Cafcass compliance with the statutory duty to promote race equality found Cafcass wanting in its approach, stating that the diversity approach adopted was too broad and led to

³ In this context abduction refers to situations where a parent (usually a father) is alleged to have kept children after contact; taken them from school; from the street; has taken them abroad or has threatened to take the children to another country.

⁴ The Child Abduction Act 1984 allows for only two types of abduction, parent abduction and stranger abduction. In the former 'a person connected with the child under the age of sixteen Takes or sends the child out of the United Kingdom without the appropriate consent'. 'Person connected with the child' includes a parent, the father, a guardian or a person with either a residence order or custody over the child and an offence is committed only if the child is taken out of the UK for a period exceeding one month. It is argued that at least one third of parental child abductions should not have been recorded by the police or should have been recorded as 'no crime' at a later stage according to the legal definition.

inconsistency – for instance, in spite of policy and practice guidelines to monitor the identity and needs of service users, this was not being done in over half of its cases and the quality of the reports was generally considered poor (HMICA, 2006:1).

Despite the absence of research on BME women and contact in the context of domestic violence, some findings show that, for South Asian women, contact negotiations are made more complicated because of inaccessible services, institutional racism and a lack of knowledge on the part of professionals about family and community networks (Hester and Radford, 1996). Indeed, the role of family and community networks in compounding the situation of South Asian women has been highlighted by several others, along with greater expectations about adherence to cultural norms and gendered behaviour (Anitha and Gill, 2009; Gill, 2004). Women's isolation after separation and their location in a societal context of racism can add to women emphasizing the importance of children having contact with fathers and families. Research in the US and Canada has also shown that the negative outcomes for domestic violence victims and their children – including serious offenders in contact with women and children resulting from unsupervised or poorly supervised contact, sole or shared residence of children awarded to violent partners, using mediation that compromises women's rights and places them in danger – are likely to be compounded for minority ethnic women, women who have little English, and immigrant women with little knowledge of the legal system (Barnsley, Goldsmith, Taylor, 1996; Ramos and Runner, 1999). Moreover, the 'double jeopardy' faced by 'women of color' and immigrant women due to the racial and ethnic bias in the courts, in addition to gender bias, has been highlighted (Ramos and Runner, 1999). A NSPCC report on domestic abuse within South Asian communities highlighted, amongst many others, the need for training for the judiciary, practitioners, professionals and volunteers involved in contact processes on the specific dangers and issues for South Asian women and children. It also called for greater resources to be made available for contact centres, especially to ensure that interpreters are available for mothers and that monitoring of interaction between perpetrators, children and mothers takes place (Izzidien, 2008:11).

Having considered the research literature and policy developments, the following sections turn to the findings of this research study.

SECTION 2: SNAPSHOT OF INTERVIEWEES AND CONTACT ARRANGEMENTS

Of the 45 women (30 South Asian and 15 African-Caribbean) interviewed, 30 were either born in the UK or had lived in the UK for over 20 years; three women had lived in the UK for between 10–20 years; six women had lived in the UK for between 6–10 years; and six women had lived in the UK for five years or less. Only two women had no recourse to public funds.

In terms of age and ethnicity, as the table below shows, the majority of women were aged between 25–34 years.

Table 1: Age and ethnicity of interviewed women

Age	No. (%) of women	Ethnicity
18–24	4 (8.9%)	3 AC; 1 SA
25–34	26 (57.8%)	9 AC; 16 SA; 1 Persian
3–44	14 (31.1%)	2 AC; 12 SA
45–54	1 (2.2%)	1AC

In terms of language, 11 women spoke only South Asian languages with no English, four women mainly spoke South Asian languages with some English, while 15 South Asian women spoke English. All of the 15 African-Caribbean women spoke English.

Thirteen women were in employment – nine women were in full-time work (5 AC; 4 SA) and four women were in part-time work (1 AC; 3 SA). Three women were students (1 AC; 2 SA). Thus, 29 women were not in any employment (though two women were professionals who had had their working life severely disrupted because of the domestic violence and post-separation violence).

Of the 45 women, the majority had either one or two children, as follows: 19 women had one child; 17 women had two children; four women had three children; three women had four children; one woman had five children; and one woman had eight children. The ages of children ranged from five months to 17 years. Of the total of 90 children, 46 were female and 44 were male.

LENGTH IN THE RELATIONSHIP

The length of time women had been in the relationship before separating is presented in the table below. This shows that the majority of women had been in the relationship between 3–9 years, with 31.1% being in the relationship for 3–5 years and 40% for 6–9 years. Significantly, 12 women had been in the relationship for 10 years or more, with 11.1% for 10–15 years and 15.6% for more than 16 years.

Table 2: Time in relationship

Time in relationship	No. (%) of women
1–2 years	1 (2.2%)
3–5 years	14 (31.1%)
6–9 years	18 (40%)
10–15 years	5 (11.1%)
16 years or more	7 (15.6%)

LENGTH OF SEPARATION

Women had been separated for anything between a few months to five years or more. In detail, this included: 14 women separated for a year or less; 21 women separated for between one and a half and three years; five women separated for between three and a half to five years; and five women separated for five years or more.

Of the 45 women, 27 had to leave the area they had previously been living in (two women had to do this more than once) and 18 women had stayed in the same area.

CHILD CONTACT ARRANGEMENTS

Formal child contact

Twenty seven women either had formal contact arrangements in place or had been through the process in recent times – either court ordered or arranged through solicitors (five women had extremely complicated cases; two women were the non-resident parent; and one woman was in the process of finalizing formal contact).

The majority of these women had been to court to resolve contact disputes at some stage, with social services being involved in four cases. Women who had gone through the court process had been to court between 4 to 15 times, with the majority waiting for further court hearings at the time of interview. In a minority of cases, the issue had been on-going for five years with men having contact in supported centres at the time of interview. In one case they had been to court 15 times in one year as a result of numerous emergency applications from the father.

Informal contact

Eighteen women either had informal contact arrangements in place (n=8), had them in the past but not currently (n=9), or were in the process of arranging informal contact (n=1).

Frequency and length of contact

Arrangements for contact included: weekly contact for 13 women; fortnightly contact for 14 women; monthly contact for two women; twice weekly contact for one woman; as and when for four women.

In terms of time, contact visits varied from two hours (n=17), four to five hours (n=4), overnight stays (n=4) and weekend stays (n=2), not regular (n=6), to a few hours (n=1).

Contact in a contact centre

Sixteen women had contact arrangements which took place in a contact centre, nine of these were in a supported contact centre and seven in a supervised contact centre. In one case the contact was supervised by social services.

Contact in other place

Eighteen women had contact arrangements in a place other than a contact centre, as follows: her house (n=6); his house (n=4); his family (n=3); public place (n=3); her family (n=2).

Post-separation violence

Thirty five (78%) women reported experiencing post-separation violence which, for ten women, was reported to be chronic.

Involvement of extended family

Twenty six (58%) women reported that the extended family had been involved in a negative way, and all were South Asian women.

CHILDREN

As the table below shows, the majority of children interviewed were aged between 6 and 11 years (??%). as follows: 6–8 years (n=9; 6 SA; 3 AC); 9–11 years (n=7; 6 SA; 1 AC); 12–16 years (n=3; 3 South Asian). The majority of children were South Asian (n=14). Eleven of the children were male and eight were female. For 16 children, the main language at home was English whereas for three children the main language was Punjabi. All of the children were living with their mothers.

Table 3: Age and ethnicity of interviewed children

Age	No. (%) of children	Ethnicity
6–8	9 (%)	3 AC ; 6 SA
9–11	7 (%)	2 AC ; 6 SA
12–16	3 (%)	2 SA

Child contact arrangements

Informal contact arrangements were in place for eight children, while 11 children had formal contact with their fathers. Cafcass was described as being involved in nine cases.

For five children, this contact was not regular; for seven it was fortnightly; for five it was weekly; and for two it was daily. For two children with formal contact, contact took place weekly with their father and fortnightly with their grandparents.

For 10 children, contact took place in a contact centre; for four it took place in their mother’s house; for three it was in their father’s house; for two it took place in a public place. Children had had contact with their fathers/grandparents for between six weeks to six years.

View of contact with fathers

Five children were negative about contact with their fathers, eight were positive, and six had mixed views. The extended family was involved in having contact in six cases, and in two cases contact was taking place with paternal grandparents.

SECTION 3: WOMEN AND CHILDREN'S EXPERIENCES OF DOMESTIC VIOLENCE

Women's experiences of abuse frequently shape their journeys of help seeking and child contact. It is important to consider the link between what women and children go through at the hands of their abusers and how this is treated by the professionals they encounter during the child contact process, as well as the ways in which men represent the abuse they perpetrate against women and children.

This section discusses the issues raised by women about the nature of abuse they and their children experienced whilst still living in the abusive situation. Although women often recounted in detail the abuse they and their children had experienced, they often could not recall the exact sequence of events and dates regarding both the domestic violence and child contact. This is something that can undermine their credibility in the court process and is discussed later in this report.

LIVING WITH HIGH LEVELS OF SEVERE AND PROLONGED ABUSE

Of the 45 women interviewed, a significant number had experienced high levels of high risk abuse. Women were asked in detail about their experiences and in the analysis, the DASH risk assessment was applied to the situations they described to assess the levels of abuse they endured. This revealed that over two-thirds of the African-Caribbean women (10 out of 15) and just under two-thirds of the South Asian women (19 out of 30) could be categorised as high risk at the time they were living in the abusive situation.

Although many of the women had lived with domestic violence and abuse (DVA) for considerable time, South Asian women were more likely to have been in abusive situations for longer. This ranged from one and a half years to 23 years for South Asian women and from three years to 12 years for African-Caribbean women. Women reported that abuse had started anything from a few weeks to a year into the relationship. At the time of interview, women had been separated from their partners for between a few months to nine years.

A significant majority of South Asian and African-Caribbean women stated that their partners had either alcohol or drug issues, and while some of the South Asian men were in multiple relationships, most of the African-Caribbean women reported that their partners had other relationships and children with more than one woman, something often not known to them when they entered into the relationship. A significant number of these women reported men being violent towards their other partners.

Some of the South Asian women reported getting married young and knowing very little about marriage, with some believing they would have greater freedom when married but in fact experienced greater control. Where women had undertaken cross-caste and cross-religious marriages, this was later used by men and their families to belittle and undermine women for being different. Some of the African-Caribbean women had also entered relationships at a young age and then experienced high levels of control by their partners.

A RANGE OF ABUSE

All of the women had experienced a range of DVA, with ‘mental and physical’ and ‘financial’ being the most commonly used terms to describe their abuse experiences. Women described regular and persistent verbal, mental, and physical abuse.

He was a complete control freak. It was like everything I did I had to tell him. So one day I grew some coriander in a little tiny pot and I used to hide it from him because I was afraid of him finding out. And then one day I remember I was in the kitchen and I took out the plant and I was watering it and before I knew I had a hand grab me from behind and throw me across the room and beating me for doing something without his permission. (SA1)

He would swear at me, he would throw things at me. He would smash plates. He would throw me on the floor and he says ‘bitch’ that I am a ‘little piece of shit’ that I deserve to be treated like this because I don’t work. I couldn’t work because I had to look after the girls. (SA8)

In most cases, the abuse had started as psychological or emotional abuse and then become physical, getting worse in frequency and severity (daily abuse for the majority of women before separation). Abuse often worsened if people tried to intervene as men perceived this as women ‘trying to put people against him’ (AC1). Where men had drug or alcohol issues, the violence was more unpredictable and serious and harder for women to diffuse. However, when women sought advice from people they knew, younger men’s drinking was not always taken seriously by those around them who saw it as part of young people’s culture:

A lot of adults that I was going to were saying to me ‘Oh he’s just young. That’s what young boys do’. But I could see it was more than just him binge drinking at the weekends because he wasn’t doing it socially, he was starting to do it on his own, and trying to force me to drink with him as well. (AC7)

Control and isolation

Women frequently described the process of control and isolation that began early on in relationships and resulted in them being isolated from family and friends. Some women’s lives were sometimes so controlled by men that they even timed women’s activities or bought women mobile phones so they could monitor women’s movements closely:

If I went to the shop I had to go like the long way round on the main road. He’d be on the phone the whole time. If he heard like people walking past he’d be like who’s that, what are they saying. If I was in a shop in a queue, he’d be like well why are you taking so long. (AC6)

I would get phone calls at work. Where are you? What time did you get there? What time will you be home? I would get constant text messages and if I didn’t respond in a kind of certain, acceptable amount of time it would be like what are you doing? (SA4)

Other men used new-born children to justify their control over women, constantly wanting to know where they were with their children:

The mental control started to kick in from then. Everything was like 'where are you going with my son'? ... What are you doing, what time are you coming back. No I don't want my son around there. (AC8)

Professional women especially appeared to experience high levels of control, jealousy and psychological abuse by their partners:

We didn't have arguments in our relationship, he would talk and I would listen. He would say, I would do. To prevent arguing in front of our child I would just keep quiet so I never had an opinion although I had my own agenda. I went and studied. I went and worked. (AC5)

In one case, abuse started and escalated when a man developed extreme views and started to force his partner to also do the same, including controlling the way in which she dressed:

The physical violence started because of the extremism, because he wanted me to cover up. I really did not get it. Here was a fine well to do spoken man and he was now so religious. I just could not believe it. And he wanted me to be religious too ... I left because his extreme views about 9/11 concerned me so much ... and he went as far as saying that he would register my daughter into a religious school in Pakistan (SA10).

For some women, the abuse and control worsened when they started to speak up and be assertive: 'But then it was getting to the point where I weren't scared of him any more and I would hit back. And that's what made him stab me' (AC2).

Women who had married men in the UK, were new to the country and who had language barriers, experienced high levels of isolation and control at the hands of their abusers, who tended to be partners as well as other in-law family members. These were some of the most vulnerable women, often without any form of family support who lacked any knowledge about how things worked in the UK. Women in such situations typically described being kept extremely isolated, some not knowing where they lived or not having keys for the house, where men and their families had complete control over their lives.

Knowing little about the outside world or about their options and not being able to speak English, such women were completely dependent on their partners and their families, something used by men as part of their strategy of abuse, with some habitually throwing women out or making threats to send them back to the country of origin:

He used to throw me out of the house, he used to say get out of my house, I used to sit on a bench in a shopping centre all day and then at the end of the day I used to knock on the door, if he was ok he let me in or I used to go to an old aunty who lived next door. (SA28)

Having little or no family and friends made women's isolation worse and reduced their options for a way out. They were often kept in the house, virtually as domestic slaves, who cooked and cleaned for the whole family without any positive care or support in turn:

My life was not a life, I worked in the house all the time, nobody understood my feelings. I had enough. All my family was in India. I had an aunt but they didn't like me seeing her. (SA26)

In a couple of cases, women were married under deception and men were already married, and when they found out and asked questions, they were then abandoned in the UK, often without any recourse to public funds.

Abuse in pregnancy

For a significant number of the women, abuse started and/or worsened during pregnancy, with over half of both African-Caribbean and South Asian women reporting this (8 out of 15 (53.3%); 17 out of 30 (56.7%) respectively). For one woman a serious physical attack took place four days after her baby was born. Other men were indifferent to women's pregnancies, travelling overseas and only returning after the children were born. This is clearly significant for later contact disputes, where many men use children as a way of continuing to abuse women rather than being motivated by a commitment to children. The following was typical of the abuse women experienced during pregnancy:

When I was 8 months pregnant he made me stand up all night as a punishment. Then at 4am he told me to come to bed, he had sex with me and when he had finished with me he told me to sleep on the floor. I had no pillows, nothing, just my head scarf. (SA24)

I was around four months pregnant by then so I had quite a large stomach by then. And the abuse just got ten times worse (AC1).

Research has, as already noted, shown how such abuse can be seen as an attack on women's mothering, the mother-child relationship and as a form of child abuse.

Financial abuse

As other research shows, financial abuse is a common experience reported by women, the impact of which is sometimes poorly understood by agencies and professionals (Sharp, 2008). It was a significant factor for women interviewed in this research, many of whom spoke at length about this aspect of their abusive experiences – either women were forced to live in total financial dependence and sometimes poverty (more common among South Asian women) or men took women's money if they worked or were claiming benefits (more common among African-Caribbean women who tended to be more financially independent):

He gave me money for food but everything was very very tightly controlled. When it comes to money that man can kill. (SA1)

I was given no money. I had to wear whatever I was given and eat what I was given. (SA6)

Several African-Caribbean women described their partners' total financial dependence (some had drug and alcohol issues), which sometimes resulted in women being unable to pay their rent and building up debts. In a few cases of South Asian women, men had swindled them out of their share of the house or savings by getting them to sign papers they did not understand. However, despite being financially dependent on women, some men prevented women from working in order to maintain their control over them:

He used to say things like you don't need to work, just be my wife and look after me. That's all you need to do, you don't need to work, be a housewife. He used to throw that in ... Oh Muslim women don't work, taking care of the family is your main job. So he stopped me working. (SA1)

Other men made it difficult for women to continue with work and several spoke about the difficulty of having to maintain their work during the day whilst having to deal with men's abuse in the evening:

All this time I've still got to go to work. So this is happening in the evening, by day I've got to sort myself out and I've got to go to work. (AC15)

Women's employment was used by some men to emotionally manipulate them and make them feel responsible for their affairs and for the abuse:

He said it was my work that caused him to do what he did because I was never there for him ... he made me feel guilty about working even though he contributed nothing financially. I used to buy all his clothes. I paid most of the bills. (AC9)

For some women, the abuse and conflict was made worse because their partners did not work or if they did, they did so informally and contributed little to the family. The abuse was also reported to worsen when women refused to continue to financially support men.

Sexual violence and jealousy

Sexual jealousy was an extremely common experience for the majority of women. It was used to monitor and limit women's movements as well as to justify emotional and physical abuse. Accusations of sexual infidelity were a common part of the abuse described by women:

He'd have his whole family round and he'd be, you know, turning round saying 'that's not even my child. I don't know whose child that is', 'abort it, get rid of it, I don't want it'. (SA12)

He used to think that I was having an affair with his best friend. Me and his best friend never even got on and that would cause him to come back and hit me. If I went to the shop and I said that I was going to be fifteen minutes and I was longer that would cause him to hit me. (AC2)

When asked directly about this, it became apparent that sexual violence was also a regular experience for a significant number of the women and something they had difficulty talking about. This included anything from coerced sex to repeated rape, as men felt they were entitled to sex whenever they wanted. Women described finding it difficult to say 'no' to demands for sex and when they did or resisted sexual violence, they were frequently accused of being unfaithful:

He used to force himself on me. The day I left him he forced himself on me and I said no you're not doing it. And he carried on forcing me ... and goes 'Oh did you go out and meet somebody and screw him behind my back while I was at work'. The children were downstairs while he was doing all this. And he started punching me and punching me, and pulling my hair, dragging me across the room. (SA2)

He would sort of demand it and I would like say no and then he would say it's because you're with somebody else and this, that and the other. He'd be like well why don't you want to sleep with me then, so I'd end up doing it ... just to make him feel better, that I wasn't sleeping with somebody else ... do you know what I mean. And then if I did tell him to stop and stuff he wouldn't. (AC4)

In one case, a woman was drugged by her partner because she refused sex. One South Asian woman not only felt coerced to have sex by her partner but pressure was placed on her to please him by her mother-in-law:

... she would say to me things like 'it's your duty to keep him happy, you should sleep with him because he will be less angry if you do'. It's just something I refused to do but then other times just for a quiet life I just did cos' it was just easier. (SA4)

Sexual violence, clearly, was not only something women found hard to talk about in the interview but it was also something they had kept to themselves for a very long time, sometimes at the cost of a loss of self-esteem.

INVOLVEMENT OF EXTENDED FAMILY

Some of the women interviewed were subjected to some form of abuse and pressure from extended family members. However, it should be noted that although many commenting on the situations of South Asian women often use notions of 'family pressure' and 'community pressure' interchangeably, care needs to be exercised in assuming that all South Asian women experience this. While just over half of the South Asian women interviewed did experience abuse from extended family members, as did a few of the African-Caribbean women, a significant number of the South Asian and African-Caribbean women also had positive support from their families. This included family members supporting women in their decisions to separate, providing women with accommodation and financially supporting women for a period of time.

Several South Asian women reported experiencing abuse from their husband's families alongside men's abuse. This included families monitoring where women went, who, if any, they had contact with, being held responsible for things going wrong in the relationship, and where, sometimes, the abuse was also directed at children:

The family was completely abusive, psychologically unstable, irrational. It was like a jail sentence that I was living. They kept an eye on my every move, every phone call. Friends would come to the house, they would say speak in our language and speak so that we can listen to what you're saying. They wouldn't let me out, really abusive family, they had very disgusting and oppressive views about women. (SA12)

Dealing with this had a tremendous emotional toll on women as captured in the words of one woman:

I was constantly watching my back and making sure I was careful and just trying to be invisible really. I think that's how I spent a lot of my time just trying not to bring any trouble to anybody and passifying people. (SA19)

A few men were already abusive towards their mothers so women entered a house with existing problems. In many of these situations, marriage was seen as a way of 'sorting out' men. However, when men continued to be abusive, having children was seen by families as a solution to the problem, and something women themselves thought would increase their value within the family. In fact, the presence of children, female or male, did little to modify men's abusive behaviour and sometimes only made it worse.

A number of South Asian women spoke about the expectations on them to adhere to strict gender roles by men and their families, something that for some was at times in sharp contrast to their own upbringing:

There was always this stuff about how I did not know how to cook and I didn't know anything about the kitchen. I actually think I am all right ... it was like living in 1954 and this for me was quite alien. (SA26)

Where women were educated and financially independent, they were accused by men of not conforming to their view of a 'wife,' as it minimised men's attempts at control. Where women resisted men's expectations of them as a 'traditional wife,' violence was sometimes used to get them to conform, with the family placing a lot of pressure of their own. Resisting or speaking out against their husband's abusive behaviour was also seen as women deserving violence, especially by their mother-in-laws:

When I was pregnant and he was hitting me, his mother turned round and said you know 'it's your fault. Why can't you make him happy? Why can't you keep your mouth shut'? (SA12)

Where women were perceived not to conform to men's expectations, some men threatened to take other wives in order to assert their control. In other cases, some men in multiple relationships used religion to get women to accept this, becoming more abusive when questioned by women. As part of the pressure they placed on women to conform, some men and their families commonly tarnished women's character to others. On separation, women also came under great pressure from men's families to reconcile in order to keep their reputation untainted. For some, this included having to act 'normal' and attend social events which were then used by men to pressure women to return.

A commonly reported abuse strategy was that of preventing women from establishing a relationship with their children, thus undermining their mothering. Although done to varying degrees, this issue was reported by almost half of the South Asian women:

Even I was not allowed to pick up my own daughter. When my in laws were at home I was never allowed to hold her, I was forced to work all day in the kitchen, only when her nappy needed changing they called me. After her nappy was changed my mother in law took her from me and I was sent to the kitchen. (SA16)

As discussed later, for African-Caribbean women the undermining of their mothering took place at the hands of their partners while for South Asian women this significantly also involved their in-laws. In a couple of cases, men conspired with their families to deceive women, especially those not fluent in English and the law, to sign away their rights over children:

I didn't know they were planning to take me back ... When they took me to India they made me sign on a blank piece of paper, they then got the paper typed up in India. On it they wrote 'I do not like my husband, I do not like my child, and I am divorcing him and leaving my child. (SA6)

This woman abandoned in India only managed to get back to the UK after a year and a half at considerable financial cost to her family. As well as separating her from her child, her in-laws telephoned her in India and made her listen to her crying baby. However, when she managed to return to the UK and secured contact with her daughter and obtained permanent immigration status, her husband was no longer interested in the child. It was evident from such cases that men and their families used children to prevent women from securing their stay in the UK and to move on with their lives:

Her father said he did not want any contact with her. At first he said he wanted his daughter to block my stay from being granted. But when he found out that I was allowed to stay he did not want his daughter. He said he wanted no contact. I asked him to send her cards for her birthday and things but he wasn't interested. (SA6)

From women's accounts, a picture emerges of women having endured abuse for a long time, often because of wider pressures to make their marriages work by keeping things within the family. Women often left as a last resort and especially when they feared either for their own or their children's lives, something also highlighted by other research (Humphreys and Thiara, 2002). While differences among the families in which women were brought up affected their responses, South Asian women were generally cautious about speaking out about the abuse. There was a sense that things were changing, however, as younger South Asian women were increasingly considered likely to seek external assistance despite pressures from their families:

Women in like my generation are a lot more outspoken about it and I think they're less tolerant than I think you probably would have found in the generation before me. And I think that's probably down to the fact that we've been born and brought up in this country and you're less tolerant, or you won't tolerate it as much. (S1)

WOMEN'S RESPONSES TO THEIR ABUSE

As can be seen, the wide range of abuse reported by women was similar for both South Asian and African-Caribbean women. However, the pressures on women varied, as did their circumstances, such that many South Asian women were also likely to experience abuse, or collusion, from multiple family members and to experience greater social isolation. The majority drew on support from professionals and agencies when separating. African-Caribbean women, on the other hand, were more likely to deal with abuse themselves or draw on support from friends and family members and often experienced serious post-separation violence. Both groups of women were likely to under-report domestic violence but for different reasons – South Asian women were more isolated and African-Caribbean women, less trusting of professionals, dealt with it themselves. Such under-reporting can clearly have implications for the need to produce evidence at court in later contact disputes and can act as a barrier for both groups of women in establishing their credibility (Harrison, 2007; Thiara, 2010).

Disclosing abuse and seeking help

From women's accounts, it was clear that they had kept their experiences of abuse to themselves for various reasons. In some cases, this was because women had been threatened with violence if they told anybody, especially South Asian women who knew little of their rights:

I wasn't allowed to. I didn't tell my family about the beatings, nothing. So I told no one, if I had I would not be where I am today, I didn't know any better. I didn't know my rights, even when they left me in India I didn't know. (SA6)

Other women tried to resolve the situation without damaging men's reputations. Several African-Caribbean women wanted to deal with it themselves even if they were aware of support services. They had not received support from agencies in most cases until they had already separated. Sometimes this was because they found it too upsetting to speak about their experiences, while for some it was important to deal with the abuse in their own way rather than 'hiding in a refuge', which clearly has implications for the sort of support African-Caribbean women need. In a few cases, women stayed in the abusive context because they believed they had nowhere else to go and would only have to return even if they left for a while:

On so many occasions my friend told me to come out of the house, sleep at their house for a couple of nights and I just didn't do it because I thought there's no point running away from it if after a couple of nights I'm going to have to go back to it. So I just stayed there and it just started to get worse. (AC1)

The fear of not being understood prevented women from seeking help from agencies. This was especially the case for African-Caribbean women, particularly in relation to the police who were perceived to be insensitive in their responses to BME groups. More generally, women found it hard to open up to professionals about their situation. The process of naming their situation as abuse was a difficult one and women needed to build up trust and overcome the shame before they could disclose to professionals, especially African-Caribbean women. However, positive professional involvement enabled women to recognise abuse and to talk about it:

She was very good and I just thought she had a bit of a grasp of what had been going on and only now had I realised that it was domestic violence before I just thought I don't know why I didn't have a name for it and it was really kind of powerful for me. (SA4)

As research shows, naming abuse can be a lengthy process for women and a number of the women, especially younger women, spoke about having been protective of men and being in denial, refusing to listen to advice about leaving their partners. Where controlling behaviour was integral to the abuse, women only recognised it as abuse once they separated, having normalised the abuse when they were in the situation.

He kept control of everything, even down to what I wore. I don't know it was crazy. Thinking about it now I think well why did I put up with it? But in the situation looking out it's ... it just seems like the norm. (AC6)

Women were also reluctant to report abuse for fear of having their children 'taken into care', especially African-Caribbean women, which, in one case, had led a woman to deal with serious injuries herself:

I did not want my children taken away, they are my life. They are my everything. So I just started to clean my wounds and covering them up until they healed. (AC11)

This was exacerbated for women especially as an aspect of the control by AC men was the pressure they applied on women to remain in the relationship for the sake of their children having a father. Despite high levels of violence, over three-quarter of AC women did not want to report men's abuse because either they believed men needed help with anger issues or because they did not want to get men and themselves embroiled with the 'authorities'. Where women had received negative responses, this led to them not engaging with any external services at all.

Although several women had been isolated from their friends and family by their partners, in cases where this had not happened, a number of the younger African-Caribbean women had turned to family, often mothers, to escape the abuse. Women who were unaware of support services or their options especially turned to their mothers or siblings for help when the situation got out of control and faced a range of positive and negative responses from them. Some women who had told their parents/siblings about the abuse found them to be unsupportive, leading some to stay in the abusive situation, while others found alternative avenues of support.

It was harder for women married to cousins to speak out about the abuse and expect family support, showing that women who do take action in such situations often risk losing everything:

She was worried that I had called the police and she was asking how could you call the police on your uncle's son? She kept on saying that I had to go back, you have to make up. (SA8)

Economic independence was a significant factor in shaping women's responses and enabling women to challenge abusive behaviour, stand up to their unsupportive families and separate from men. Women from marginalised groups, where they are less likely to be working, were seen by professionals to have particular issues around disclosing abuse:

They have to be very brave I think if they're going to bring an end to their marriage because of the fact that they have to go back into their community as divorced women or a woman who has sought separation. That can be hugely challenging for a lot of women especially in communities where the women come from a much more socio-economic deprived background ... where the women don't go out and they live very sheltered lives and they haven't got access or the knowledge as to how to access external help or counselling or support. So it's very difficult for those women, particularly the ones who haven't got the linguistic skills as well. (J)

However, having their family on their side when deciding to separate was important for some women and several had received positive support from their families. It was evident that such support from their families or friends made a big difference to women, not least because it gave them options of leaving and staying with parents or friends, and provided financial and emotional support. In such cases, women still had to deal with their own sense of shame and failure.

In the absence of appropriate support services or lack of information about them, women sometimes contacted those they were already in touch with. For one woman the hospital had become a lifeline:

I used to do little things like I used to phone up the hospital and tell them that I think something's happened to the baby, just for me to stay there for a couple of nights. I used to phone the hospital

and lie and say I was sick and I need their help. And I think after a while they started to get suspicious because I was going there every other week, anything just to get me in the hospital so I could stay there and get away from him. I felt safe there. I think they started to catch on. After a while I think one of them must have said is my relationship OK because a lot of people find that when they're in abusive relationships they tend to find any reason to come into the hospital. And I was a bit shocked because I thought I was the only one that was doing it. (AC1)

From this research, it was evident that women who spoke English, were aware of services, and were supported by family, friends or support services had a very different experience of leaving abuse than those who lacked this, though they still had to deal with the impacts of abuse on their sense of self. In general, safety and risk issues (physical and emotional) were greater for some South Asian women because of their isolation and lack of access to any support networks or services. Many examples were provided of women becoming broken down by pressures from family in the absence of any support for them from other external sources:

My concern is that there's still many many young women and they tend to be very vulnerable, don't often speak English so their access to services is limited because of that and they therefore are extremely isolated. And that to me has to present a risk, both in terms of a physical risk because they haven't got the support if they're having to meet partners that have been violent or go to places where they know that those partners are going to be, but also a risk to their mental and emotional welfare because they're having to cope with it all on their own. (S3)

Shame and family honour

Despite the trend towards using culture and religion rather than gender to explain violence against SA women, especially where 'religious experts' are reported to increasingly use justifications based on religious differences, there were clear commonalities in South Asian women's experiences of violence, where issues of fear and intimidation were experienced in similar ways by all South Asian women. This was also observed by a specialist domestic violence service:

The issues cut across all of those South Asian women and that's why I find the increasing emphasis on religion, as if somehow religion dictates some kind of cultural values that are separate from other South Asian cultures, a really difficult pill to swallow actually because there are no differences in terms of fear and things. (DV1)

Notions of family honour and shame were also seen to be similarly central to contact battles in the context of domestic violence across all South Asian groups, despite 'experts' emphasising differences among religious groups:

What is different is the experts who come along and who start arguing that this is Hindu or this is Muslim or whatever, but in terms of the actual issues there is a shared culture and issues like honour and shame are not the prerogative of Muslim women. Amongst those from the South Asian sub-continent, it's a shared concept, everybody lives according to those kind of patriarchal notions. So I find the concepts of honour and shame absolutely critical to family dynamics in the way they operate in terms of contact. (DV1)

Indeed, personal and family shame was an issue for several women who felt great guilt at leaving abusive situations even though they were the victims, something also highlighted by much existing research (Gill, 2004; Wilson, 2006; Izzidien, 2008). Even for African-Caribbean women, the sense of shame and stigma was powerful in shaping their responses. In particular, the sense of protecting black men from criminal sanction shaped many women's responses to their situations and was a powerful thread in women's narratives, as discussed later in the report (Thiara, 2006). However, the connotation of honour and shame for some South Asian women from close-knit communities took a particular significance, as preventing 'dishonour' of families became common pressures for women to keep quiet and comply. This was seen to impact on women's help-seeking – they were less inclined to seek help at an early stage and only did so after other avenues had been tried. This then impacted on the ability to get a full picture of the history of abuse later on as women did not always trust professionals.

IMPACT OF ABUSE ON WOMEN

Women described a range of ways in which the abuse had impacted on them. Depression was commonly experienced by the majority of women, being especially acute where abuse was also perpetrated by other family members. For some, depression resulted from being isolated from family and friends by their partners:

I felt depressed. So isolated. Lonely. I felt like I was in prison. It felt like my worst nightmare. (SA2)

Women especially described losing their sense of self and confidence, often leading to a sense of hopelessness:

I just didn't want to go out, I didn't want to see people. I was so stressed, emotionally I was neither here or there. I was losing loads of weight and was told that I was anorexic which was a shock to my system. It got to the stage where I wasn't enjoying life. I didn't want to eat, I couldn't sleep. My health was just getting worse and worse. (SA11)

Women described feeling broken, carrying a lot of guilt and feeling that they had failed their children, as aspects of suffering from depression, low self-esteem and anxiety:

I felt broken at the time. I felt a failure to my son. I felt that I shouldn't have ever entered such a relationship; I don't know it is difficult in hindsight. I just felt that I had let my son down knowing that he wouldn't have his real father in his life. So it left those kind of scars. (AC10)

In tandem with depression, several women also described developing problems with eating and sleep disorders. Routes such as admission to hospital often got women out of their isolation and exposed them to 'normal life', resulting in some women growing in confidence, which eventually led to them separating:

Whilst being in the hospital I became a bit more confident. My eyes opened up to the world and I realised that actually I'm in a bubble world so to speak and those bubbles had popped in the hospital. I just saw things really differently. (SA23)

Women also got stronger once they disclosed abuse to others who positively supported them or, in some cases, when they started doing things for themselves:

Once I started college I think I was a tough girl. My teachers and my friends used to tell me to stand up for myself. She goes you don't stand up for yourself. You stand up for yourself and then in no way will he hit you or swear at you. When you have friends, tough friends who have been through this, I start standing up for myself. Then I start standing up for myself, protecting my kids ... because he used to lash on my kids. (SA14)

Those women who had experienced serious and a range of violence, described how this had somehow made them stronger:

I know this might sound strange but like I really had no confidence when I was with him and through all the abuse that I've gone through I'm probably one of the most confident people that you would meet now. I've had relationships now since then and no man can come into my house and tell me what to do and what to wear, where to go, who to talk to, who I can't talk to, what to buy and things like that. Part of it has made me stronger and stronger inside. (AC2)

It is clear from women's narratives that they were not simply passive but started to resist men's control in their own differing ways, sometimes growing stronger in the knowledge that they had not done anything wrong:

I haven't done nothing bad. I never been bad to him. I've been stuck in that house. I used to cook like mad. I used to iron his clothes. Wash everything. Look after him. In that way I was really good. I don't understand why he done that to me. He wanted to rule me. He wanted me under his feet. Now come on man a girl from this country! I took that but now I've become a tough girl. I think I've become a strong girl. Even my workplace they tell me that you've become a strong girl. (SA14)

CHILDREN LIVING WITH ABUSE

As already noted, research has highlighted the wide range of effects on children of living with direct and indirect abuse. This was an issue that was discussed with all of the interviewees in this study. The following discussion draws on the issues raised about children in the interviews with women and professionals as well as the discussions with children to highlight the issues for children when living with abuse.

Impact of abuse

When living with domestic violence, children became involved in men's abusive behaviour in a range of ways. It was evident from women's accounts that many men paid little heed to children's presence when being abusive or deliberately abused children in the process, as the following shows:

He was very volatile he'd shout, bang doors, punch walls, if she was in bed next to me and he was drunk, he would really dangerously flip his arms around, his legs around. I was breastfeeding her and a couple of times he kind of elbowed her head, you know, so he was trying to do it almost on the sly. (SA4)

Children were reported to frequently witness verbal and physical abuse against women or get caught up in the abuse when men were being violent:

I was in the bath with son and he threw something at me and the plastic chair happened to hit [son]. So I said 'don't throw that, that just hit [son]. Don't throw anything we're in the bath together'. And him disregarding me he then took up a chrome tissue toilet holder and threw it at me and it split my son's eyebrow because it hit him again in his face. (AC8)

It was so bad, there was [daughter] running naked because she was coming out of the bath, and then the fights start and she runs naked to knock on the door of the neighbours, because he used to scream and shout as well. (AC11)

Although some men were careful not to be abusive in the presence of their children, in many cases the presence of children was not a consideration and even very young children were often aware of men's behaviour:

After the main incident where he beat me up, nobody told them that he'd done it but the first thing out of their mouth was he done that, we know he did that because he's nasty. He's always nasty to you. So although they didn't say much, when they did say something it had an impact and it had a lot of meaning because it showed me how they feel and how they look at him. (AC4)

Men were also reported to be directly abusive towards their children as well as use the children to be abusive towards women:

It made them act really really hyper and he used to encourage them to hit me, swear at me and do stupid things. They were very unstable and insecure and fear that when it happened. (SA2)

In a minority of cases, men sexually abused children and turned very violent when challenged by women. As other research has also shown, men had few qualms in embroiling children in the conflict between them and their partners and frequently manipulated children to collude against their mothers. Men appeared to care little for the effects of this on children, readily involving them in their accusations of infidelity against women. The following is typical of men manipulating children so that they blame their mothers for the separation:

He made our ten year old son confront me. 'Who's this you've been sleeping with? Who is this you've been having an affair with? What's this about a three-some?' This is what his father had told our ten year old child ... my son's last words were 'mum if you're kicking dad out then I'm going too'. (AC5)

In a minority of cases, men manipulated children to such an extent that they made the decision to stay with their fathers, as the above and following reflects; it also shows the tremendous pressure some men placed on their children to condemn women who made the decision to leave abusive situations:

My daughter came to my face and she was very very abusive and she said things you don't say to a mum. I was so shocked that I couldn't believe it. I knew something wasn't right ... my husband was standing right behind my daughter and kept on pushing her from behind, saying 'don't worry she can't touch you. I'm standing behind you to protect you. Tell her how you feel'. And then the kids went quiet and he started to swear very badly in Punjabi, 'idiot, I'm standing behind you, she can't say nothing to you, she can't touch you, just say how you feel'. And then he said these are my kids, they're not your kids, they belong to me. We have decided that we don't want to live with you and you should leave the house'. My fifteen year old was crying. He had enough of all the noise and the

commotion. He was just hiding his face. And then my husband said to him you speak now. And he goes I don't want to say anything. He got him up from his hair and he put him in front of me and he goes you tell her how you feel. And he says I'm not going to say nothing. (SA1)

In cases where they were being heavily influenced by their fathers, some children were reported to copy men's behaviour and become aggressive towards women:

My sixteen year old was being really abusive towards the younger one and I told him off and I remember him coming up to my face and saying in a very aggressive tone 'don't ever speak to me like that again' ... the same words as what his dad would use ... their dad had so much power. (SA1)

In several South Asian cases, older boys were reported to articulate gender expectations and blame their mothers for separating through either trying to impose the same control on women as their fathers or through showing disrespect in other ways:

He said 'it was my mum's fault because she didn't used to cook for my dad', so he had that mentality obviously drilled in from dad. So he wanted to go back home. (SA28)

I remember this child has never ever been rude to me in my life. Outside of the front of the house he stood there in front of me, turned around and just pulled down his pants and said this is what I think of you. And I remember that for me was like somebody had stabbed me. I was just so upset (SA14).

Since leaving home can mean a loss of status and poverty, some South Asian children were reported to hold their mothers responsible for their situations, something that men later used in contact disputes, often buying children expensive gifts to show them what they were missing by not living with them. Leaving the wider family and the resulting social isolation could also create significant issues for some South Asian children, something which has to be carefully balanced and considered against women and children's safety.

However, despite women's fears, several of the older children understood why their mothers had left and did not blame them, seeing the safety of their mothers as of greater importance. There were other children, however, who blamed their mothers for not leaving earlier. Alongside influencing children to leave their mothers, some men also forcibly took children away from women when they made it clear they were no longer willing to live with the abuse. In one case, a man who had no time for the baby otherwise took her when she was four months as a way of getting back at the mother:

He wouldn't bring her back. Every time I would go back to the house, they wouldn't answer the door. I would bang on the door and they wouldn't open the door. So they wouldn't let me see her so I took it to the court. (SA21)

In another case, where a man's immigration status was dependent on the marriage, he took the child to secure his stay through accusations of neglect against the mother. In other cases, men repeatedly made threats to take children, leaving women fearful of men's actions.

He would take him away down the stairs and say he is my son and at times it was like he was going to leave the house. I had a fear he'd take him away from me, he had said it to a girl he was with

at the time. ... I was wondering why he kept on pressurising me for a passport for [son] so I have always had the fear even before we had separated. (AC10)

Various studies repeatedly shows that children are the major reason for women leaving and/or returning to abuse and this was no different for women in our research. Many women in their bid to be protective separated (unless they had been forced to leave because of the threat of children being taken away by Social Services) because they feared or saw the negative effects that men's abuse was having on children:

Now what led me to actually leave him is that by the time son was five you could see that he was a child that in his own mental state he wasn't right. (AC13)

When he came and punched me it was in front of the kids. He was running to the bathroom, getting the flannel trying to wipe all the blood off my face. He must have picked me up and carried me into my son's room and put me down on the bed and then went into the bathroom. And then I heard the baby crying and I kind of like opened my eyes to see what was going on and I saw my son standing there with this little baby in his arms just crying, the two of them. And I said do you know what I can't do this any more. And I had to get out. It's not right, it's wrong ... So that was what actually gave me my strength. (AC8)

Women also often returned to violence because they believed the children needed their fathers, something that was reinforced by men and their families in pressuring women to reconcile. Several women recounted wanting their children to have both parents but having to make difficult choices in the end about what was good for their children:

Now I'd rather he has one parent that's what I would rather have. That's not my ideal. My ideal is mum, dad, children. That's what I came from, that's what I wanted. But I wasn't willing to sacrifice myself for that. So I prefer him to be a stable child with a stable parent, at least one. (AC10)

Clearly, the impact on children where they had to move several times to escape men's violence was evident as this also meant that they had to move school many times. This involved eight different schools for one family. Other effects of domestic violence on children were reported by a number of the women and included children being wary of people, afraid of noise, and doing badly at school:

He turned out to be a child that if he heard noise he would cry. But when he heard the arguments between me and his dad he'd be very quiet. He wouldn't cry as a baby, but he didn't like to be in surroundings where there was too much noise and he liked to be just me and him. (AC8)

She was doing so badly as school. The teachers would call me all the time, she was not listening, she wasn't settled, it has impacted on her a lot ... to see knives, to see fights every minute, it wasn't very good. (AC11)

The impact of abuse on children differed depending on the age of the child, with older children reported to be affected the most, with this impacting on children's confidence, development of their speech, inability to form friendships, their feelings of emotional and physical insecurity, eating disorders, and general behavioural issues. These issues were compounded for some children who also experienced bullying at school. Particular issues highlighted for African-Caribbean children included some boys struggling with the racialised view of black men as violent, something that was reinforced through their experiences with their fathers:

What I see is a lot of very profound struggling around 'well I'm male and what kind of male am I and what kind of male will I be'. And I really think there's something there about these images of black men in society. So what kind of black man am I. Am I allowed to be angry. I think they're very conflicted about that. It's very painful to see them struggling with that, with their anger. Sometimes the girls do a lot better. It's OK to be angry. The boys struggle with that more. ... I'm convinced that's in a wider context of images of black male violence, seeing black men as dangerous. And if you've watched your father, a black male, perpetrating this kind of violence against your mother and against you your whole life ... (DV4)

Some children were reported to feel responsible for the abuse against their mothers and others to be confused about their fathers, especially where they had witnessed repeated abuse towards their mothers:

They are scared of him. I think there is a mixture of love and hate because when I ask my daughter she says 'I love him but at the same time I hate him'. She wrote in her diary that 'I love you dad but I hate you because what you have done to my mum. You hit her, you cheated on her, you tried to kill her. That is why I hate you but then you are my dad'. (SA8)

It was evident that where children were directly abused or witnessed repeated abuse, they held 'anti-dad' views. However, where children were either not abused or did not witness violence, they often held positive feelings for their fathers.

CHILDREN'S VOICES

Children's feelings about the situation

In the recorded interviews, children were asked about their feelings when living with their mothers and fathers before they left. In contrast to younger children who could not remember violence, children aged eight and over often had very clear memories of witnessing incidents:

When dad was drunk he got a big stick with like a nail inside of it and slammed it on mum's head. And then it was like bleeding all over her head ... the police like came up the steps and went inside and grabbed dad and then he got sent in that police car and sent to the police station. (10 SA boy)

He was strict and he kept shouting at my mum. And he always used to drink alcohol and smoke and he used to always fight my mum. (12 SA boy)

It used to happen all the time when he was around. I used to shut myself up in my room and listen to my music to block it all. (16 SA girl)

Whilst struggling to speak about their situations, some children prefaced this with comments such as the following: 'I do remember, I do. I remember all' (8 SA boy).

Children used different coping strategies when living with the abuse; a boy whose father had been extremely abusive to his mother and towards him talked about 'dreaming' to stop himself from thinking about his situation and to stop himself from feeling sad:

I was thinking all the time, then I feel sad because of my mum and dad was fighting ... I went to bed yeah and tried dreaming so I wouldn't be sad. (9 SA boy)

When children witnessed abuse, they also tended to fear being targeted themselves and described feeling scared and insecure, something that had continued in the post-separation period for some of them. When asked how they felt about the situation and their 'dad's behaviour', the majority of children used 'sad' to describe their feelings, with many also using words such as 'upset', 'scared', 'angry' and 'not happy':

I was feeling sad for my mum because she was crying a lot (10 SA boy); Sad because I was there like ... I was punching him and my mum was crying (12 SA boy); I felt upset and angry. I didn't feel ok. Because I didn't like what he was doing to my mum. When he hit my mum. And I told him to stop but he never listened'. (8 AC girl)

Although they were upset by their experiences of living with domestic violence, many of the older children said they kept it to themselves. Where children had strong feelings of anger against their fathers, they were not able to share these with anybody, often describing this as 'keeping it all inside'. The widespread under-development of services for BME children affected by domestic violence makes this all the more concerning.

How they felt about dad when living with violence

Some children were extremely clear about not liking their father's behaviour towards their mothers, especially when they had witnessed the violence. However, after separation they had mixed feelings about their fathers with girls aged between six and eight appearing to be more mixed in their feelings and whilst not liking their father's behaviour they still considered them to be 'my dad'. All of the older girls said they wished their mothers had left earlier, stating:

Sometimes my mum gets depressed and when she's upset, yeah, it's upsetting for all of us. She shoulda just left way before. (15 SA girl)

Over half of the younger children who did not remember abuse and had vague memories of their fathers said they wanted to live together with their 'mum and dad'. All those children who talked about not liking their father's behaviour wanted them to change, including not wanting them to drink or smoke and to stop hitting their mums: I wished that my dad didn't actually smoke or drink and that he didn't hit my mum.(11 SA boy).

A number of the South Asian boys talked about feeling angry, something that was evident even at the time of interviews: 'If he had come I would have smacked him with a stick' (11 SA boy). Where men had not played with children when living together, they had clear memories of this and was repeated again and again in the discussion, especially by younger boys. And the most positive things children remembered about their fathers were doing things together with them. Children also spoke about wishing they could 'do more' with their fathers when they were still living together, describing their fathers as 'only sometimes' doing things with them. This was a powerful theme for all the boys interviewed and included doing things that they perceived other boys to do with their fathers, and things they could not do with their mothers:

Go to the field and play football. Go and play with my friends and my dad playing with his friends and like the grown ups against the children. We never did that and it upset me just a bit. (10 SA boy)

Lives after separation

All of the children, even those who had mixed feelings about their fathers, were happy to be living out of the abusive situation. Many of them said they liked their lives now and saw spending time with their mothers as the most important aspect:

I like it because I spend a bit more time with my mum and my little brother because I used to play with my granddad but I never played with mum because she was always cooking the food and cleaning. (11 SA boy)

This is significant in the face of findings which show that some South Asian women were often denied time with their children and their mothering was frequently undermined as part of their abuse at the hands of men and their families. It was especially important for children that their mothers were happy. However, they also described their feelings as 'not so happy', 'like a bit frustrated' when they thought their mothers were not coping with their new situations.

A significant number of the older children described living apart from their fathers in positive terms, pointing out the things they were now able to do: *'It's better without him. We always used to go on holiday without him'* (12 SA boy); *'I'm ok with him living somewhere else'* (8 AC girl); *'We're a bit more relaxed with him not around'* (14 SA girl).

Those who still felt angry towards their fathers had much stronger views stating *'I wish that he died'* (11 SA boy). While they did not miss their old life, some South Asian children talked about missing their grandparents, especially where children spent more time with grandparents during contact visits than their fathers. Children living in refuges missed their friends and toys and talked about feeling sad at leaving their home. They also talked about the restrictions of living in a refuge:

It's a messy house ... this is a refuge. You have to just live on your own ... you can just bring kids but not cats. But not your family can come and not animals like cats or fishes or um dogs ... that's a bad thing cos' we don't get to live together with animals. That's not fair. (7 SA girl)

Children (having to live in isolation due to domestic violence) voiced wanting to be part of a bigger family that included aunts and grandparents: *'All together ... I wish I was living with my aunty or I live with my grandma'* (8 AC boy). In the absence of interventions for children where they could talk about their feelings about the domestic violence, it was apparent that some older children spent a lot of time thinking about their situations and what had happened between their parents, leading up to the separation: *'I feel very sad when I was thinking about everything'* (9 SA boy). Although many of the children were happier away from domestic violence some were not fully settled in their new lives because of on-going post-separation violence from men, something that affected children negatively: *'He still keeps on coming around and keeps ringing us. That's what I hate'* (11 SA boy).

In cases where there were high levels of post-separation violence, children were often aware of everything that was going on, especially where men were very persistent and abusive without regard to children. In such cases, children had a lot of anger towards their fathers, feeling let down by them and believing they stopped them from getting on with their lives:

He still follows my mum. He's always been standing outside and my mum kept telling the police but the police don't arrest him. ... (12 SA boy).

It was important for children to feel safe after domestic violence and feeling safe at home helped them to view contact in centres with their fathers more positively. Some described their feelings of safety and security as being 'calm' and 'warm'; one boy who was punished by his father for getting things wrong stated feeling secure '*feels like there ain't any trouble or mistakes*' (8 AC boy).

MEN AS FATHERS

He was always angry and he used to hate noise. So in the morning I used to hide all the toys and make sure the kids were out of his way because he would just kick everything that was in his way really ... he was really aggressive in the morning. ... But he was an OK dad. He was a good dad. He used to talk to the kids, sit with the kids. But the kids used to see, used to be there when he was swearing and stuff. (SA1)

As the words of women above and below highlight, a small number of women (11.1%; n=5) repeatedly minimised men's abuse (had low expectations of men as fathers), separating men's violence and their fathering, and saw them as 'good dads' despite their violence in front of the children:

He basically worships his son. He's got another daughter as well. And he'll do everything he can to please and provide for them I suppose. So I can't fault him for that. You know he is a good dad. But it's just the other issues that he's got that he needs to deal with ... They had a really good relationship. He's seen bits and pieces and obviously he'd heard the arguments as well. (AC6)

However, the majority of South Asian and African-Caribbean women painted a picture of men as inadequate fathers, with the following key themes emerging in their narratives.

Men took little or no responsibility for their children before and after separation

They used to sit by the window waiting for their dad to take them but he would come in pick up his bag and go out again and never said anything to the child. The baby became a victim of his abuse. (SA9)

I would say to him that I would actually like to talk to him about his daughter if he has the time. I would ask if he even knew what she was up to these days. Does he even know what stage of development she was at? He would be like don't give me that, swearing and 'f-ing' and blinding. It got to the stage where it got very intimidating, very controlling and bullying. (SA10)

Men who were largely uninterested or had no involvement in the day to day care of children, where women did all the caring

The care of [daughter] was down to me only. He was there for play, if he was there at all. He didn't feed her anything, he didn't change a nappy, or bath her, he was there about the money decisions like what nursery is she going to go to, what pram she is going to have. It was those sorts of decisions he made rather than actual everyday care and at times I remember commenting to my friends that I felt like I was a single parent. That I had no help, no support, even if I lived in the house with these people that nobody was interested, nobody wanted to help me. (SA4)

He did used to pick her up when he wanted breakfast done. He picked her up when he wanted his clothes ironed. He picked her up if I had to wash his clothes ... those are times he had to pick her up. (SA13)

In some cases where women had daughters, men were particularly uninterested and unsupportive of women and used the sex of the baby to justify their lack of involvement in the baby's care:

What really shocked me the most, he told me because it was a girl he wasn't going to change her nappies because he couldn't look at her down there and that really disgusted me because I thought he sexualised a baby, you know, and again the whole view about women, I thought he doesn't even make any boundaries between a baby, a child and a woman. (SA4)

Men who spent limited or no time with their children or as a family

He would shout. He wasn't a perfect dad, he would never take them out. He would never look after them. One time when I had to go back home for three weeks for a funeral, I left the girls with him and when I came back I found out that he had left the girls at night and they woke up in the middle of the night and got scared and they started screaming and they went out in a panic and the neighbours ... called the police ... they were about 3 and 5 years old. (SA8)

Men were reported to do things with children when it suited them or when they felt like it, expecting children to respond positively. If they did not, women were blamed:

He's like a child himself in the sense that if something doesn't go his way he has a tantrum. So like that incident, because my youngest son wasn't interacting with him and he didn't want to, he had a tantrum. And that was how it was literally all the time. If we'd go to the park and he didn't want to play football, it's my fault they don't want to play football because I don't want them doing things. (AC4)

But what he does, he does it as and when it's convenient for him. Everything's just as and when. (AC8)

Men's needs often had to take priority and they resented children taking up so much of women's time and attention:

He felt a bit of resentment towards her that she took up so much of my time but then I think I threw myself into doing it because I had nothing really else. (SA4)

Men who neglected children when they were left in their care, seeing children's care as women's responsibility

Three times I left her in his care, once I went to have my hair done when it was her first birthday. Come back. She did poo. She had white tights on. They weren't white they were discoloured. Her bum was sore and I said 'you didn't change her'. He goes 'well it's your job. You're the mother'. That was the main things. Your job. It's your job. You're the mother. The same during the nights. When she used to cry 'pick her up it's your job. (SA13)

Men who had drug habits or were involved with drugs were especially considered to be incapable of taking care of children, frequently behaving irresponsibly when they did have the children:

I would leave work and come home and find them both in bed. It was 12 o'clock and she should be having lunch. He totally messed her routine up and she lost a lot of weight. She found it very difficult to grasp how to eat textured and lumpy food. A couple of times she threw up and he couldn't be dealing with this so he put her back onto the baby food. (SA10)

He drives quite fast and he actually had a car accident and I don't know if it will be different if he's there, but he's very argumentative, road rage. (AC8)

Men who were not interested in children but took them or made threats to take the children to keep women in control and show them who was boss

He goes to me 'next time you take my daughter out without my permission you'll never see her again'. And those threats they were scaring me because when he was telling me he was in a state of mind I was getting scared and scared. (SA13)

Men who prevented women from building a bond with their children

Slowly and slowly she began to realize she started to get a bond with me, the voice and everything and every time he would come and pick her up she would cry. She would want to come back to me. He didn't like that. He would just walk away and the few times I went for contact he wouldn't turn up because he didn't want the child to be close to me. This is what he was like. (SA3)

Men who made no financial or other contribution to children

Almost all of the men were reported by women not to contribute financially to children, leaving women with all the responsibility, with one man even asking a woman to pay him to collect their son from school. African-Caribbean women especially tended to be the main breadwinners and even where men were not in work, some refused to look after children, leaving women to incur child-care costs:

Even when I was going back to work ... you know when you think to yourself why am I having to take my son into private nursery if his dad's here. His excuse was 'Oh I'm going out, I'm trying to look for a job'. It wasn't where he would say 'alright I'll get my son ready and I'll take him to nursery'. It was me doing everything. (AC8)

Whenever we went out on day trips I was always funding it. If it be the travel fare, the food and drink and what not, I was always funding it. (AC6)

SUMMARY

In summary, women had lived with high levels of severe abuse over long periods and the majority had suffered daily abuse before separation; for several South Asian women the abuse was also perpetrated by other family members. Control and isolation was a feature for all of the women but women who lacked family and social support or knowledge of how things worked in the UK experienced greater vulnerability. Fear of abduction and/or separation from their children was a significant issue for all but especially South Asian women and was a common tactic of abuse by men. The under-mining of parenting by their partners and in-laws was an issue reported by several South Asian women and where it took place for African-Caribbean women, it was at the hands of their partners. When separating, both groups had a great fear of reprisal from partners and/or families and were likely to under-report abuse but often for different reasons. Protecting black men from criminal sanctions was a powerful factor for African-Caribbean women along with the pressure to have fathers in their children's lives. Honour and shame for some South Asian women from close-knit communities took a particular significance, with the prevention of family 'dishonour' a common pressure applied to make women keep quiet and comply.

Children who lived with domestic violence were involved in men's abusive behaviour in a range of ways and either commonly witnessed verbal and physical abuse or at times were directly subjected to men's violence. Children, even very young ones, were aware of men's abusive behaviour. Children who witnessed abuse tended to fear being targeted themselves and described feeling scared and insecure, something that for some continued in the post-separation period. Children who were directly abused or witnessed repeated abuse especially held 'anti-dad' views. Children were often aware of post-separation violence, especially where men were very persistent and abusive. In such cases, children held anger towards their fathers and felt let down by them.

The majority of women described men as inadequate fathers who took little or no responsibility for their children before and after separation. Men were reported to do things with children when it suited them, if at all, or when they felt like it. Almost all the men were reported not to make a financial contribution to the children's upbringing. More concerning was men's neglect of children when they were left in their care, and their threats to take children to keep women in control and assert their power.

SECTION 4: PROFESSIONAL RESPONSES AND WOMEN'S EXPERIENCES

Of the interviewed women, more South Asian women were engaged with the formal contact process than African-Caribbean women. As already noted, African-Caribbean women's emphasis on dealing with things on their own, left them very vulnerable to continuing abuse and the only cases which entered the formal arena were often at the very serious end involving years of post-separation violence. By drawing on the accounts of both professionals and women, this section reports on the key issues and responses highlighted for women and children when they enter the formal contact arena. The themes discussed here are those that were repeatedly mentioned by women and by the range of professionals interviewed. Only where the issues identified have a greater significance for either group is this highlighted in the following discussion.

WOMEN SUPPORTIVE OF SAFE AND BENEFICIAL CONTACT

The majority of interviewed women wanted their children to have a relationship with their fathers and often any extended family, seeing this as an important part of a child's identity. This is also highlighted by other research. The following views were typical:

From my personal experience if a mother has a problem with the husband then it is not fair to involve the children and especially if the mother is not happy with the father I personally think it is not fair for a mother to force her child. If I hate him then you should also stay away from him. I think that is emotional blackmailing. I think we should give chance to children and give them their own choice because whatever has happened it is between me and him. (SA10)

In highlighting the benefits of contact for children, women were concerned that children did not blame themselves and had fathers who they believed loved them, for their own emotional development and wellbeing. In particular, women recognised the importance of giving older children the choice of deciding if they wanted to see their fathers. Whilst emphasising the need for men to be positive towards children, some women thought that not allowing children to see their fathers would make them 'bad mothers'. As well as recognising the benefits of contact, most women also acknowledged the risks of contact for their children. Those using informal contact arrangements were adamant that the benefits had to be greater than the risks for them to continue with what they had in place. What emerged very strongly was that women were very clear that they wanted contact to be conducted in a way that was safe and beneficial for children. For African-Caribbean women, it was especially important for their sons to have contact with their fathers in ways that were safe and positive for children as well as being safe for women:

This way he is not involved in seeing any violence. He can see his father whereas if there wasn't this supported centre then he wouldn't be able see him because I wouldn't put him in the situation I've been in. it's an opportunity for them to share time together as father and son build a relationship between them (AC10).

Where women had concerns about contact these related to fears that men and their families would take the children overseas, or not return them after contact visits, or that children would become caught in the violence between men and other family members. In a minority of cases, South Asian women feared that abusive partners would control their daughters and possibly force them into marriage in the future.

NEGATIVE RESPONSES FROM PROFESSIONALS AND AGENCIES

Women reported a range of responses from the professionals they encountered throughout the formal contact process and identified issues that have important implications for practice.

Overall, the majority of South Asian and African-Caribbean women who had followed formal processes (n=28) mentioned feeling re-victimised by many of the professionals/agencies, sometimes because they had had the strength to raise concerns about the impact of their partner's behaviour on children. They described being let down by 'authorities':

And I just kind of thought things had moved along a long way until I was actually in it and actually experiencing it myself and seeing the lack of support that you get and almost being treated like a criminal for raising these concerns or trying to safeguard your child. (AC7)

I feel under pressure from all sides. I told them about the violence that my husband subjected me to ... I feel used by all sides ... I just feel like screaming like a mad woman! (SA19)

Women frequently believed the 'system' takes men's side whilst paying inadequate attention to their concerns, with the following being typical of comments made:

I feel they have actually put my husband and what he is suggesting and how he wants things to be first. The laws he is laying, the law is actually following those and don't realize what a dysfunctional background and criminal background he has got. How much of a foul father he is ... But they have taken his consideration over mine. (SA9)

An African-Caribbean woman who had been subjected to extreme abuse and control had been so frustrated at the lack of a positive response from agencies/professionals that she had finally gone to her MP for assistance. In particular, women repeatedly mentioned not being believed about their abuse experiences, and feeling undermined as mothers, with their parenting coming under constant scrutiny by professionals/agencies. Other research has also argued that the professional responses to women are characterised by a disconnection in the major professional arenas so that a key aspect of the response to women is to place the responsibility for protecting children from violent men squarely at the door of women (Radford and Hester, 2006). This was especially so amongst those women who had allowed informal contact to take place initially, knowing men had drug or alcohol issues, something they were subsequently questioned about by a range of professionals. Such responses led women to believe that different standards were applied to men and women's parenting.

Where women had coped with violence themselves and consequently had limited evidence, they felt they were not listened to by professionals who failed to understand the deep impact of men's severe abuse on their capacity to challenge their partners:

He's [social worker] been asking me and trying to understand what happened, why didn't I do more to get my son back home ... he needs to understand that this man frightened me to death and the frame of mind I was in then is not the frame of mind I'm in now. And this is what they seem to lose, they lose that along the way. He's not listening to me but he needs to know that there's a link there and address that in his report. Otherwise it's not going to make sense. In black and white it's going to look like I couldn't be asked and that's why I fought against the first Cafcass report because it was wrong. It was incorrect. (AC5)

Despite negative responses, women also attempted to challenge professionals, found this difficult, and feared the case going against them if they did so. Consequently, women felt they did not have a voice:

I didn't say anything. I wanted to when the judge was having a go at me. But at the back of your mind you're thinking I don't want to make it difficult for my daughter because if the judge decides well the father's seeing her every weekend. So you're worried so you just don't say anything. (SA12)

EMPHASIS ON RIGHT TO CONTACT OR PRESUMPTION OF CONTACT

The problem with contact is it doesn't take into account enough of the violence and abuse that's gone on ... when we went to Court the lawyer also kept saying 'no you will have to agree some kind of contact' and she kept saying 'look he's locked them in the cupboard, he's been nasty to them, I am frightened, my children are frightened'. ... The lawyer kept saying 'no but you will have to agree some kind of contact, you've got to put aside your views and don't project your stuff onto her'. She just wasn't ready and when you sat down with her and tried to explain, she would just weep and get hysterical. And I actually think it's counter-productive. It's almost like a lack of understanding between the court actors and the experience of the woman herself. (DV2)

A pro-contact stance, as discussed later and extensively highlighted by research, was widely reported by both women and professionals to be common among legal professionals, Cafcass and the courts, but seen to be highly problematic in the context of domestic violence. Where a greater emphasis was placed on the rights of fathers, women came under considerable pressure to concede to contact, even when they had experienced serious abuse and where abuse had also impacted on their children. On the other hand, while measures were seen to be in place for the courts to assess negative impacts on children, this was rarely reported to happen adequately in practice and women were frequently required to 'prove' abuse as part of the competing narratives of women and men. Aspects of the emphasis on the right to contact are discussed in greater detail in the ensuing sections on the professionals women encountered in their journeys through the legal system.

The perception that a presumption of contact is based on a Eurocentric understanding of family dynamics and assumptions that (abusive) fathers will observe boundaries laid down was expressed by an experienced specialist support organisation:

Presumption of contact is generally based on a very Eurocentric understanding of family and family dynamics, ... set in a liberalised setting there is this assumption that if the fathers have contact that they will adhere to what is acceptable and not acceptable ... it's stacked much more in favour of patriarchal structure and control ... So it's much more harder for women to kind of

accept and understand that abusive fathers who have done nothing for their children, who've not provided food or gamble their money or never been at home, should have substantial contact. (DV1)

PROFESSIONAL RESPONSES SHAPED BY SOCIAL CONSTRUCTION OF SOUTH ASIAN AND AFRICAN-CARIBBEAN GROUPS

Like their white counterparts, South Asian and African-Caribbean women were constructed in two oppositional ways by professionals. On the one hand, they were seen to obstruct contact and to use children's views to prevent this while, on the other hand, if women wanted children to have contact with their fathers they were seen to be oblivious to the potential risks to their children (failure to protect). In this way, the intervening professionals were seen by some women and professionals interviewed to be constructed to be better placed to make decisions about the welfare of children, rendering women voiceless. Moreover, in the narratives of professionals there was often a complete separation between the welfare and safety of children and that of women. While domestic violence training had to some extent helped professionals to make the links between the two, for many, and especially Cafcass, whose job it is to primarily focus on children, this continued to create tensions in the ways that they approached the welfare of BME children.

The findings of this research showed that the responses of professionals to South Asian and African-Caribbean groups in relation to contact disputes were shaped by a range of social constructions and stereotypes. Consequently, this resulted in an over-involvement for some groups (South Asian) and a lack of involvement or response to others (African-Caribbean). Since black families were assumed to be violent, for African-Caribbean women domestic violence was frequently normalised and women dismissed without any services being offered:

Just not offered any service despite several referrals, just dismissed by them. Afro-Caribbean clients, they almost get dismissed. Several referrals for one particular client to Social Services throughout his life because the violence had been from pregnancy. Social Services go round. Mother's a very neat elegant woman. Oh well it's tidy. Oh it's just domestic violence. No we're not going to do anything. Other women who have kind of engaged with the Court and Cafcass have not really felt supported I think. (DV3)

As a result of not getting a positive response from agencies, as already discussed, African-Caribbean women tended to 'just get by':

A woman who contacted Social Services herself after her son disclosed years of abuse, physical abuse during contact. Dad threatened him not to say anything. And when he finally did mum contacted Social Services who signposted her to us. Most of my clients I would say have got by, the response to them has kind of been quite piecemeal, patchwork. (DV4)

While most professional interviewees were reluctant to generalise and instead emphasised the need to treat each family differently, professionals described a range of views among other professionals which were also aired by several respondents about South Asian and African-Caribbean families/fathers/women. The tendency of professionals to stereotype South Asian and African-Caribbean families was

recognised by respondents and negative responses from colleagues or other professionals reported. Given the power of Cafcass in shaping the outcome of cases, the ways in which their responses were informed by stereotypes of different communities, families and thus fathers was commented on by a number of the interviewees. The ways in which different families were perceived was then seen to influence the ways in which different fathers were constructed:

In terms of their perception of families and whether or not one sort of father's ethnic background means that they would perceive them as more committed as a father and their sense of family is seen as stronger, something that does arise when you see them dealing with different men, fathers ...' (S2)

Key issues and themes that emerged about the ways in which the two groups were viewed in relation to contact disputes by professionals are discussed below.

Although extremely cautiously for fear of 'stereotyping' or being seen as 'racist', there was a strong view among a significant number of professional respondents that African-Caribbean men were not interested in their children – *'It could be that the father just walks away and that's the end of that'*. Historical explanations for the African-Caribbean family structure and the absence of men were used to explain this by some respondents, though younger men were seen to be more involved with their children:

It's a very matriarchal society and that directly stems from slavery. So if you don't have a father figure, father role in your life, it's very hard to put that in place or to know exactly what you do and so they just follow what is their norm within their family, you know, sort of very matriarchal ... certainly the children that are coming up now, it's changing slightly and there is a differing role that some men have towards and how they view their parenting role, their father role. (C-S2)

Class was identified as an issue that mediated the ways in which families engaged with the legal process and other related services. It was believed that the more 'articulate' families who knew about the legal system were more likely to use the services rather than respond primarily through feelings of shame:

Some are more articulate and more vocal and are not as intimidated by the system, by the courts, and are not afraid to use like the contact services available because they believe that's what it's set up for. Whereas the ones who are not as articulate, not as vocal, the first response really is one of shame. (C-G2)

There was a recurrent theme of a perception among professionals that African-Caribbean women were used to lone parenting whereas South Asian women were not, despite South Asian women reporting being solely responsible for parenting. In contrast, the tendency to view South Asian families as being *'very strong and that everybody's committed to each other and that that's an important part of their family culture, that perhaps greater significance is placed on that than in other families from other ethnic backgrounds'* by professionals was highlighted. Notions of the strong South Asian family then influenced the ways in which South Asian fathers were seen as *'really genuinely interested in their child because they are an Asian father, as opposed to a father from a black family'* (S3).

Many professionals assumed that South Asian fathers wanted to be a part of their children's lives, unlike African-Caribbean men. Thus, different perspectives were seen to mark the experiences and expectations of South Asian fathers/families compared to those of African-Caribbean fathers/families

among professionals. In particular, professionals tended to accept the essentialist view of women and children in South Asian communities being seen as the property of fathers/families:

Within the Asian community the father's perspective and the paternal family's perspective and the societal expectation is that the mother and the children are the chattels of the family. There are real issues around control and ownership and the mother leaving of course is a very distinct departure from all of that and there are consequences. But for those children, and it goes across the board for Muslim, Sikh and Hindu families, the prospects for the children coming from a separated and divorced background in terms of marriage and assimilation into that community and culture is affected very significantly. (B3)

In this way, male domination was normalised for South Asian families and, while it was accepted that women did most of the caring, this was seen to make difficult the task of determining men's ability to care for children. This male control and men's violence towards women, in the face of men's seeming desire to be part of their children's lives, was thus minimised and disassociated from men's parenting. Many professionals (especially Cafcass) were reported to use gender roles within South Asian families as a justification to excuse men's lack of parenting and undermine women's allegations of men's inability to deal with children during contact:

As part of our assessment is the ability of each parent to meet the child's needs and certainly I think Asian men suffer from that because very often they have just been the providers. And then they get criticised by the women that they don't know how to look after the child, but there is a clear division of roles ... when you observe contact, toys are on the floor they're sitting there and we'll say well he's not interacting he had (child) on his lap and he sits there and the child is the one that's initiating the interaction. (C-G2)

As a consequence of this male control, it was assumed that South Asian men would use any means to ensure they were a part of their children's lives, and this was viewed as a justification for men's continued harassment of women post-separation. On the other hand, a common view of African-Caribbean fathers as less committed and less present and invisible in the lives of their children was juxtaposed against that of South Asian fathers:

The impression that somehow Asian fathers are more into their families and more committed than fathers from the black community is something that frequently comes up as a stereotype. (B2)

Consequently, these differing professional perceptions of South Asian and African-Caribbean fathers were used to explain their lack of parenting, where South Asian fathers were viewed as interested but prevented by male dominance from parenting (seen as women's role) and African-Caribbean men's disinterest was seen to result in a lack of parenting.

It was widely believed that African-Caribbean men were less likely 'to stick it out' and gave up at an early stage of what tended to be protracted contact processes:

I do find with the cases that I've had, a lot of the fathers at the earlier stage just give up. A lot of them will not go through ... you don't really, in my experience, see long protracted cases of Afro-Caribbean families, it doesn't go on that long. (C-G)

It was also reported that, as part of this lack of commitment, African-Caribbean men were less likely to use the court system for contact disputes because of the existence of negative views of African-Caribbean fathers within the courts, which served to reinforce men's perception of not being treated fairly:

Our society, especially the courts, views Afro-Caribbean fathers in a very negative way. Some of the research they did they talked about when an Afro-Caribbean father had an appointment for a visit from Cafcass, they've come with a certain expectation of how they've going to be viewed. So sometimes when they do come and get engaged with the Cafcass officer, it's not always a positive experience. When they eventually get into court again it's another battle with the judge and also the way information's written about them. They're not heard, so it's like what's the point (C-G).

Moreover, African-Caribbean men were believed to see the court process as tainting their dignity leading to them not following cases through. Such perceptions, often rooted in actual experiences, coincided with men's denial or minimisation of their violence and served to provide a justifiable exit route. Cafcass were reported to be similarly negatively viewed by African-Caribbean men, who believed they would either not be understood or stereotyped, leading to their avoidance of the formal court process:

A lot of men have that stereotype not only about the Court system, but Cafcass as well in terms of thinking it's a very white middle class organisation, mainly women who won't understand their culture or will have stereotypes about them as black men. So they avoid the system more, they don't use the Court system. (S-C1)

In general, in relation to African-Caribbean families, professional perceptions were dominated by views of African-Caribbean fathers being absent or not taking equal responsibility for parenting, African-Caribbean women having children from different men, and of African-caribbean women being more independent and less controlled by men:

With the Caribbean community you will frequently find that the cultural context is that very often there has not been a father figure in the family home, the mother might have children from a number of different relationships. That's different to the Asian cases. But the sense of that being alright and no responsibility around that and I think what that's done is make the Caribbean women sometimes more independent because they came to it without expectations of that kind of support, unlike the Asian women, and because they've often led these kind of very independent lives that the father's sort of flitted in and out or even if they'd lived in the same home she's been really quite self sufficient. And so I think that does have implications for proceedings later on (B4).

When asked about their experiences of work with African-Caribbean women, 'not so frequently' was a common response given by professionals to convey the low numbers of African-Caribbean women they encountered in the family courts, even in areas with high numbers of African-Caribbean communities. Most could not explain the low numbers though a range of assumptions were aired, including: that African-Caribbean families resolved issues differently; that African-Caribbean women had different issues to South Asian women and are not likely to experience isolation or a lack of family support or language barriers; that they are likely to cope on their own or within their networks of support and are 'strong'; and that their 'culture' explained the lack of use of legal processes by African-Caribbean women:

I think often a lot of African-Caribbean women ... they're often single mothers who've brought their children up and the fathers are a little bit distant or may come and go. There's something around the African-Caribbean culture of... I don't know whether they're a maternalistic society if

I can call it that, but women tend to be the strong ones somehow ... they deal with their problems, they're strong, they will cope with it. I have seen hints of that in some of the cases I've had or they may get help from and support from other women, their sisters, their aunts, their granny or whatever it might be and deal with it in that way. So there may be something about their culture which enables them to have that sort of support without taking legal methods really (J).

African-Caribbean women were also considered to be different from South Asian women because they have lower expectations of men as fathers or have multiple men:

I know that there are sometimes issues where there may be several children, a father may have had several children with different partners and I think there sometimes appears to be an acceptance amongst those women ... of their expectations being low and that's how they should be because those children are only going to ever expect a very limited amount of input from a father. If you see what I mean (S1).

Consequently, African-Caribbean women were seen not to be as vulnerable as South Asian women and it was assumed that there were no added family or community pressures for them, though just under half of the women reported coming under a great deal of wider pressure to avoid utilising formal processes:

Being a black woman myself and being self employed they might say successful why are you not handling it differently. You should come out of here, what's wrong with you. And also not being funny, also being a bigger woman you been abused, how can you be. You are big, you are fat. You can stand up for yourself. So I think there are stereotypes out there because I am quite vocal in the court as well and I am not frightened to speak up and being a black woman who speaks up. You don't need help. (AC10)

Finally, it was reported that professionals often perceived African-Caribbean women as less open and as lying which resulted in a more punitive approach, rather than constructing this as reluctance to share private information in a wider context of racism. Consequently, while few African-Caribbean families were reported to be using private law, higher numbers of African-Caribbean families were seen in public law, and this was perceived by some professionals to be part of the punitive approach to black parents adopted by local authorities. It is clear that domestic violence and the resulting issues which might require statutory intervention created huge contradictions for African-Caribbean women who were attempting to balance the need to have less intervention in their lives with ensuring greater protection for themselves and their children.

Compared to the low numbers of African-Caribbean families in private law cases, higher numbers of South Asian families were reported to be using the family courts. While it was assumed by some professionals that South Asian men and women '*seem to be more comfortable with the legal process*' (J), contact was seen to be part of more complex issues involving finances and property impacting on the wider extended family and thus leading to the need for legal intervention. Overall, South Asian women were assumed to be more unequal than African-Caribbean women though professionals struggled to articulate this:

The role of the woman within an Asian family can be ... it can be quite almost the opposite to the role of the woman in the conventional white western family with all the equal opportunities and all the issues around there (CC).

Although many were mindful of the risks of generalising, a key theme in the professionals interviews was the view of South Asian women homogenously lacking the ability to be challenging and assertive, which was then seen to be linked to their inability to challenge professionals if they did not reflect their accounts and experiences in their reports.

Despite the airing of common stereotypes by professionals, work around fathering issues for BME men was seen to be greatly under-developed, both in practice and in research. The approach of professionals to questioning BME fathers about parenting, in particular, was seen to require more training and development as many still operated on the basis of stereotypes, responding negatively if people then reacted to their attitudes:

You're questioning them in a way that's quite offensive and then when they react to that it's seen as them being aggressive rather than actually did I ask a question in a fair and appropriate way. (S-C6)

The challenging of stereotypes among professionals was considered to be necessary by several respondents, albeit a longer term issue.

Diffusing some of those stereotypes is a long-term issue, stereotypes don't help when you're doing an assessment, if that's behind your thinking. (C-S5)

OVER-RELIANCE ON PROFESSIONALS

We could lead them down the garden path completely and exploit them and tell them that do this and they'll do it. They'll believe it. They completely trust you to sort of guide them in the right way. If they don't know any different, then they can't exercise that agency I don't think. (DV1)

While African-Caribbean women and educated South Asian women were reported to be more likely to be proactive with agencies/professionals, the findings showed that there was a group of very vulnerable South Asian women who were seen to over-rely on the professionals they encountered without questioning their expertise – either because they did not speak the language, did not know how the system works, had little knowledge about the legal process, or had been so badly impacted by the abuse that they lacked confidence. Over-reliance was commonly reported by legal professionals:

Sometimes they kind of totally leave the decision to you in that they say well if you think that it's best ... We try not to get into the trap of making the decision for them especially if they haven't fully appreciated the ramifications of that decision. Obviously if language is an issue then it can be worse though we get an interpreter (S1).

However, this over-reliance could be damaging to women's cases as some solicitors trivialised and minimised domestic violence, advising women not to mention it in their statements.

Additionally, there was a reported trend of solicitors advising South Asian women to keep contact out of the courts to keep legal aid costs down. This was something to which women who were less aware of their rights were more vulnerable. In this way, there was a convergence between solicitors' advice to women and what was expected of them by their family and community:

It's particularly detrimental to South Asian women because they're the least aware of their rights, the least able to ... assert those rights. Mainly they may have immigration difficulties and fears around that. They may have language difficulties and because of that they're just that much more vulnerable than other women. And community pressures on top of that so the whole package means that they're in a really vulnerable position and then what they're getting from the legal system is more of the same, which is like pressure to go down a particular route, which is exactly what the community pressures are. (DV2)

Women's lack of understanding of the formal contact process and the absence of any other support also led some of them to rely solely on what they were told by Cafcass, who were reported by several women to tell them what to do and be directive:

Women have a lack of understanding of the system, the CafCass officer can say anything to them. They are appointed officers of the court to prepare a report. Put their findings on that; don't put your opinions onto others or what you feel she should be doing. That is for the court to decide not you. You are supposed to make a recommendation and that is it. And then the rest is for the court to decide. (SA22)

If they are not given the right advice, women's lack of knowledge about the legal system, along with their over-reliance on legal and other professionals, can thus create barriers for them during contact disputes. Where women were articulate and knew the system they could fight their own corner but women who faced multiple barriers were left vulnerable and over dependent on professionals. There was a feeling among some women that 'they [Cafcass] tend to take advantage of women's vulnerabilities' (SA9). However, in cases where women did question professionals they tended to be negatively viewed by them. Because of their over-reliance on professionals, the importance of South Asian women accessing specialist organisations with established networks, that know women's rights and which 'can hold these places to account on behalf of the women'(DV6), were seen to be crucial by many respondents from domestic violence services.

DISTRUST OF PROFESSIONALS

In contrast to many South Asian women, as discussed elsewhere in the report, African-Caribbean women tended to distrust professionals and either dealt with things themselves or drew on support from family and friends. For some, this was because they had previous negative experiences and reported being treated 'really shabby' while others did not want to talk about it to outsiders or for others 'to know my business'.

Some African-Caribbean women also feared being judged for their parenting and, not trusting professionals, did not provide full details of their experiences, something that was viewed as women being secretive or lying:

Because of their fear of their parenting being judged they don't feel able to be completely open, so they come across as more secretive. They're not open about the domestic violence. They're not seeking help or support. Therefore you get a more punitive response because from the social worker's perspective it looks like mum's lying or keeping secrets, rather than she doesn't trust me enough to tell me so I think those issues need further exploring really ... you can see the relief in some service

user's faces when they have got somebody who's from a similar cultural background, there's a sense of I might be able to talk to this person really openly and honestly and they'll understand rather than making a judgement about me. (C-S6)

LACK OF KNOWLEDGE ABOUT THE LEGAL PROCESS

The legal process was reported to be very confusing for women, especially as separate processes are in place for divorce, contact and domestic violence – *'it's confusing for you as a worker supporting somebody, never mind a woman who's got language barriers'* (DV3). Where the violence experienced was serious and continued after separation, women could be going through criminal and family courts at the same time. The lack of co-ordination between the two courts was seen to be an even greater barrier for South Asian women, who often did not understand the links between court cases. This was especially the case if they did not speak English and were entirely dependent on professionals:

For these women who have language difficulties they don't necessarily understand how one court case fits in with other. I think more could be done by the police and support services to help her understand. She's a witness in the criminal cases, whereas she's seen to be in the driving seat of an application in the family proceedings. And that's a role that she's not always comfortable with because she's never been in an active role so she needs to be kept informed in a way that she will understand what's involved and what the consequences are. (B4)

Where good practice among solicitors was reported, this involved them telling women what would happen in court so they knew what to expect, something women repeatedly said they wanted. Even educated women struggled to remain clear about the court process. Lack of knowledge and fear of legal processes created great anxiety and pressure for women going to court:

It's a lot of anxiety, a lot of pressure. You get confused because I have never been to a court before. All the procedures and you just don't know what's going on sometimes just sitting there going what is this. (AC10)

Indeed, the daunting experience which the court process represented for women was recognised by the majority of professionals, despite family proceedings being fairly informal. In cases where men knew the system, often as a result of their criminal activities, women reported that they felt at a disadvantage for not knowing the process while men were able to manipulate matters:

He knows the system, he's a criminal. He knows how to play it and unfortunately for me I've not been involved before and I don't know the system and all I could do was just continue to tell the truth and hope and keep my fingers crossed that everything will unravel itself. (AC7)

Consequently, women were often extremely fearful of giving evidence, especially when their ex-partners twisted the truth or lied in court:

I don't know how I felt about that because if he still pleads not guilty I know I'm going to have to go to Court as a witness and I am absolutely petrified. I can't express how petrified I am ... We went back to Court for the family case and he said in Court that I approached him and I thought you're just willing to lie in front of the judge. I can't tell you how honest I've been throughout this whole

case. Because I thought my honesty would bring my son home. And how dishonest this man has been in every aspect in every which way you can. (AC5)

Women who were assertive and articulate got their views heard but even for them the court process had been a 'learning' experience – *I have become more of a fighter from this whole experience' (AC10).*

RELUCTANCE TO USE THE LEGAL PROCESS, ESPECIALLY AFRICAN-CARIBBEAN WOMEN

South Asian women were less likely to go to court because of multiple pressures – not knowing the law, persevering with the relationship, issues of shame – and when they did go it was a last resort arising out of crises (including injuries to women or children) or through third party intervention. African-Caribbean women, as discussed later in section six, were more likely to try informal contact and only when this failed were they open to trying legal routes. In this study, the African-Caribbean women who were following formal routes were more likely to have experienced high levels of serious and chronic post-separation violence over a long period and for their cases to have had the involvement of social services.

African-Caribbean women were reported to be reluctant to take formal routes for fear of betraying black men and black people by using the 'white system'. They also worried about the negative view of African-Caribbean boys they considered to be dominant in society:

When you go into court that's now how they're viewing them. They're viewing a ten year old child as not (son) who's intelligent, clever, sociable and all the other things that he is. They're just looking at him as a black Caribbean child and statistics say that he needs his dad, regardless of who this man is. And that's worrying. (AC7)

However, where African-Caribbean women had little option but to resort to the courts, they were positive about having done so though in a few cases this had not prevented their partners from being abusive.

EXTENDED FAMILY INVOLVEMENT

For South Asian women, the extended family was implicated not only in the perpetration of abuse but also in contact disputes. Extended family involvement was a powerful factor and a recurrent theme in a significant majority of the interviews with South Asian women; and while the nature of the involvement differed, it was almost always described negatively.

Pressures on women from wider family members led to a strong sense among legal professionals that the contact process was driven by paternal family members who were *'often directing things in the background'* (S7), rather than women themselves, especially those who had been extremely isolated and lacked support from family or friends.

I think we have to be aware of the situation particularly Asian ladies have with their families because we obviously have to make sure that we're getting instructions from the client ... you do sometimes get the impression that things are being led by the family rather than the client. (B3)

Paternal families 'ganging up on women' to either reconcile or concede to contact was repeatedly reported by some legal professionals, making the vulnerability and isolation of women even worse. Indeed, in seeking to undermine women's position, questions of maintaining children's culture and identity, through care by the paternal family, were commonly aired in men's claims of being better placed to ensure this than women living outside of their families and communities.

They'll argue we've got the resources. We've got the ability to look after children, particularly if they're young, we can sort out the child care ... It's really interesting how they will use their own parents and their own extended family network to undermine completely the women's position. They say that she's on her own, what can she provide, we can provide all the physical care, the emotional care and meet the cultural needs and the religious needs. That all together is quite a strong package and you can imagine Cafcass or social worker going along thinking 'Oh well this is fantastic, here's an extended family situation, no one else need get involved'. (DV1)

In many instances, family members were reported to create conflict once the contact was set up. This was especially true in cases where the family had also been involved in abusing the women. Contact centres reported South Asian extended families coming to centres and this created greater conflict, which placed greater pressure on centres to manage who came to contact sessions. As part of a sensitive approach to women in such situations, it was considered important for contact to be initially only focused on fathers and not extended family members. This is despite the emphasis of the courts for the children to sometimes have contact with their extended families. Indeed, the need to protect the safety of women by not exposing them too soon to paternal families was recognised as crucial:

I think people should be very careful about allowing the extended family to have contact too soon, because very often the fathers, often in Asian cases, say 'Oh I'm bringing the case on behalf of my parents as well who miss their grandchildren etc.' and some courts are very quick to say 'Oh OK well why can't his mum or his father join him in that contact early on'. (B4)

Decisions involving contact with wider family members early on were often informed by misplaced assumptions about the extended Asian family and the need to ensure cultural identity for children and such assumptions were hugely problematic in domestic violence situations. The complexity of this issue and its implication for children, however, created a lot of contradictory practice among professionals so that, while the negative aspects of extended family involvement, especially in complicating the power dynamics between the parents, was something that was increasingly being assessed by some insightful Cafcass practitioners, it was also the case that some considered the family to be an important element in a child's life leading to different (unsafe) decisions by other practitioners.

Clearly, the role of the paternal family in shaping women's relationships with their children and their contact experiences is complex. It is concerning, however, that the difficulty of dealing with such complexity often led some professionals to question the woman's accounts of her abuse or her character. The impact of abuse on women's mothering, where women had been abused by family and partners, was highlighted by many interviewees, something which created further tensions for professionals in considering the issues for abused women as mothers alongside the welfare of children:

She's totally powerless and without any skills. So I think the honest thing you probably could say about that is that due to domestic violence it's disempowered her to be a parent and an effective parent to this child. So it's not that she can't do it, it's her circumstances and she's not being allowed to. And she never will be because the threat is so powerful and she'll never gain enough experience

... I think we encounter a tension between righting old wrongs, our feelings of the injustice of how women got to that position of being completely sidelined and out of their children's lives, with our focus primarily being on the children who are settled, happy, thriving, within the paternal family, very often where a grandmother has been the primary relationship. So I think that's a real tension and it's really hard working with these women who have unjustly got in that position. But how can one redress it. I think that's always a tricky one. (C-G)

Given the importance placed by the courts on maintaining the status quo, the involvement of the family has greater consequences for those women who go to a refuge without their children. Although women supported by domestic violence services can make an effective challenge to get their children back, albeit through a lengthy process, those women who lack an understanding of the court process can find themselves powerless against the arguments of the extended family and ultimately be left without their children.

MEDIATION

Informal mediation was seen to be common in many South Asian communities as an initial way of resolving marital conflict and problems. Some women had attempted to resolve issues over contact through formal mediation, sometimes on the advice of their solicitors. However, most of them had found this to be unhelpful, either because it compromised their safety or because men frequently lied:

We went to mediation and there was a whole amount of made up stories ... so I just thought that this is not going to work and they agreed to it as well. They said take it to court. So I took it to court. (SA22)

We did that for a couple of sessions and it didn't work. He didn't agree with anything I said and didn't give reasons why he was late. (SA30)

Professionals also recounted numerous cases where women had tried mediation through other family members and when this failed they either went into a refuge or tried formal routes. The limits of women having their say or their issues addressed in mediation were recognised by respondents from domestic violence services and by some legal professionals. It was generally believed that mediation and resolution through family and community processes did not work for women in domestic violence situations and resulted in repeat victimisation. When women went to court, it was often the final safety net for them. It was also something that professionals, often not properly trained, found challenging to deal with, as the following account shows:

So they brought us together in a room, me and his father, and it was explosive. He behaved the way that he's always been behaving with me. I was a quiet mouse and he just carried on and on and on and didn't give me a word in edgeways, started belittling me and it just didn't work. We didn't come to any kind of conclusions whatsoever. The next time we met they had to have two mediators in the room because this was such a challenging case I'm told. That didn't work either because again he lost it. To me at that point in time it was almost as if people were allowing him to behave the way that he was behaving by doing nothing about it. Therefore they were telling him it was OK. Or they saw what he was like and they couldn't address it (AC5).

In the face of such experiences, the greater emphasis being placed on mediation as a way of keeping disputes out of court should be questioned for women leaving situations of domestic violence.

Muslim Arbitration Tribunals (MATs) and the Sharia Council

The recent development of MATs and the Sharia Council to resolve contact disputes was reported by a minority of respondents. Sometimes women were involved in parallel processes – sharia and formal court procedures – something that the courts were often unaware of. Concern was raised by several respondents in domestic violence services about the potential lack of power women had in such processes where domestic violence was an issue. Delays created by this in the formal process were also highlighted:

... it interferes with the Court process because adjournments are made whilst people go off for this sort of mediation to see if decisions and agreements can be reached. And those sorts of mediations are often always riddled with the problem that you have with domestic violence and mediation which is the whole thing about the imbalance of power compounded by these organisations sometimes being presided over by men or people with patriarchal values. (B4)

While the role and function of MATs was not fully understood by the majority of professionals interviewed, those who had given it greater thought aired concerns about what actually happened in practice and whether the welfare of women was protected. A general point about separating religion from culture was made by a minority of interviewees, who argued that it was important not to conflate the two:

Sometimes you'll have people wrongly asserting that certain things are based on religious rather than cultural interpretations of what the religion is so that's always a problem. (B2)

FEAR OF ABDUCTION OR SEPARATION FROM CHILDREN

Fear of abduction or separation from children was a significant issue for both South Asian and African-Caribbean women, making it highly important to listen to women's concerns and fears and to put in place adequate safety measures around contact, whatever form it took.

This was not an unfounded fear as the abduction of children was a tactic of abuse commonly used against many women. The threat of abduction, especially in cases of South Asian women, was extremely common and used to terrorise women but often hard to quantify and prove. A small minority of women (n=3) had been taken back to India and abandoned without their children or had their children taken by their partners and not returned.

However, while fears of abduction (rather than overt threats) were commonly aired by women, they were not always listened to unless they had evidence. In cases of South Asian women, threats of abduction were seen to be grounded in the cultural context of families feeling humiliated at women leaving and believing children belonged with fathers. At times, women's concerns about abduction were construed by professionals as women obstructing contact:

When we have women saying no we don't want dad to have contact, he's going to remove the child and take them out of the country etc., I'm not sure how seriously we take that sometimes ... instead think OK that's because you don't want him to have contact. It does come up quite a lot when the relationship breaks down that the mother fears the child's going to be removed from her care permanently. (C-G)

In such situations, practitioners felt ill-equipped to intervene, asking the question 'how do you then intervene in terms of the social cultural context?'

It's hard isn't it because when it's the culture where we know that there is this notion of ownership by the male family post separation, it would be wrong to assume that all the men are ... that's their intention. (C-G)

Many reported that they asked men directly about their intention to abduct as part of their evidence gathering and left it to judges to decide and ascertain the probability of it happening. Such cases were often referred to the High Court⁵ where some evidence was given. If men use children, as repeatedly reported, as a lever to pressurise women to reconcile, then it is not surprising that they use the threat of the removal of children from women as a tactic of control. A number of the African-Caribbean women also reported their partners of either making threats or actually taking their children and not returning them for hours or days or in one case for over a year. Men sometimes took children for the arranged contact and failed to return them on time, creating anxiety for women as well as for children.

It is evident then that the threats of abduction and separation from their children, subtle and overt, serve to control women. Whilst they can appear as paranoia on the part of women about losing their children, when seen within the context of domestic violence, as controlling behaviour and psychological abuse, it is clear that men heighten such threats in the face of feeling that they are losing through the legal system.

SUPPORT FROM DOMESTIC VIOLENCE AND SPECIALIST BME SERVICES CRITICAL

If women were not supported by domestic violence services, they often did not know where to go for help and relied instead on legal professionals with all the accompanying issues this raised, as already discussed. Because domestic violence services often vet the solicitors they use and recommend to women, women who were supported by these services were likely to have received legal advice and support as well as to have been put in contact with sensitive family solicitors at an earlier stage.

Putting women in touch with solicitors earlier meant that they were better prepared to deal with contact disputes and that solicitors had more time to prepare and gather evidence, and advise women about the relevant evidence:

In terms of gathering of the evidence what you tend to find is that the support workers normally refer them to a solicitor from a very early stage, say from the time that they go into the refuge they'll apply for an injunction. And so in terms of guiding, in terms of getting the evidence together, the solicitors tend to do that. So they'll write to the police, they'll write to the doctor or the hospital,

⁵ Local courts were reported to be reluctant to take on cases with an international dimension. Around half of such cases were reported to have Prohibited Steps Orders attached to them.

get the witness evidence. So they'll guide them and advise them as to what evidence is going to be relevant and what's needed. (S2)

Given the emotional impact of lengthy contact disputes, in which cases can be re-opened later, women were seen to require high levels of support around contact issues, often long after they had left the refuge:

What we'll find is a lot of old service users come back to us in regards to this issue because they're emotionally and mentally being abused in the same way. They can reapply as many times as they want and unfortunately, I know it's the given right of the father, grandparents or whoever it is that wants contact, but it is actually a mentally traumatic experience for the mother and for the children. Having constant meetings with Cafcass officers and going through the Courts, it's such a big strain ... they've gone to Court and their address has been disclosed because there's no protection ... I've had people where their files have been closed and support's been provided, calling me back up after three to four years, and asking me what they need to do because the case has been reopened and that is the specific support need all over again. So although they've been trying to move on with their lives, they're continuously being pushed back and they're not able to actually move forward just because of this issue lingering over their heads. (DV4)

For some women, whose children were receiving support, domestic violence services had been an important way of challenging the presumption of contact through highlighting the impact it had on children:

I think the psychological risks which are kind of more unseen are so profound. I think what we see of the impact on the child really conflicts with the view it's always good to see the father. Is it, to see someone who's not safe? Who can't acknowledge that they haven't been safe and they can't acknowledge what they've done or take responsibility ... And that is a recipe for long-term mental health problems because what they have to do in their minds, that's fine I'm seeing daddy and that's OK. It's all mummy's fault, all my fault. (DV3)

Given the lottery of support that often exists, women being positively supported by an agency or professional were considered to be the fortunate ones compared to those who had to navigate the legal system on their own. Specialist support was seen to make a big difference to women.

Although the shortage of specialist services was highlighted by the majority of respondents, domestic violence services were reported to be the most supportive to women. In some cases, women were also supported by a family member or friend. Women who were supported tended to be more confident throughout the legal process and in giving their evidence. That women need additional support at court was recognised by all interviewees, especially since barristers and solicitors were not placed to provide this. Although the importance of vetting support services for women and children was highlighted, the need for general support for South Asian women was also repeatedly pointed out, especially given their complex situations. Women in contact with domestic violence services were also more likely to prefer a formal process to agree contact, whereas those not supported by anyone were more likely to try informal routes. It is clear that domestic violence and other appropriate support services play a key role in informing women about contact issues and in ensuring greater safety for women and children through the contact process.

SUMMARY

The majority of women wanted their children to have a positive relationship with their fathers and any extended family, seeing this as an important part of a child's identity. However, women also wanted the benefits of contact with fathers to be greater than the risks and for contact to be conducted in a way that was safe and beneficial for their children and safe for themselves. However, negative responses from professionals and agencies were commonly recounted by women who frequently felt re-victimised by many of them. Women repeatedly mentioned not being believed about their abuse experiences, feeling undermined as mothers, and their parenting coming under constant scrutiny. They saw a clear discrepancy between how they were treated as mothers and how men were seen as fathers, feeling they lacked a voice and were unable to challenge professionals.

Although things are changing, professional responses to African-Caribbean and South Asian groups continue to be shaped by a range of dominant social constructions and stereotypes. Different perspectives among professionals marked the experiences and expectations of South Asian fathers/families compared to those of African-Caribbean fathers/families. In particular, professionals tended to accept the essentialist view of women and children in South Asian communities as the property of fathers/families. Such stereotypes of communities, families and fathers were seen to inform decisions about contact, where 'culture' often replaced gender as a consideration.

African-Caribbean women and educated South Asian women were more likely to be proactive with professionals and agencies but one group of very vulnerable South Asian women tended to over-rely on the professionals they encountered. Additionally, there was a reported trend of solicitors advising women to keep contact out of the courts in order to minimise the costs of legal aid. In combination, these factors highlight the damaging impact of over-reliance on women and children already under pressure to keep things within the family. In contrast, African-Caribbean women tended to distrust professionals and either dealt with things themselves or drew on support from family and friends.

Lack of knowledge and a fear of the legal process created great anxiety and pressure for women going to court. South Asian women faced multiple pressures not to go to court and African-Caribbean women's reluctance to use formal routes was shaped by a fear of betraying black men and black people by using the 'white system'.

The involvement of the extended family was a significant factor for South Asian women not only in the perpetration of abuse but also in contact disputes. Issues raised included family members 'ganging up on women' to reconcile or agree to contact and men using the argument of the paternal family being better placed to meet children's needs rather than women living outside of families and communities. This resulted in contradictions in considering women's safety alongside children's cultural identity and varying practice was reported among professionals. Some women had attempted to resolve issues over contact through mediation, sometimes on the advice of their solicitors but most of them had found this unhelpful, either because it compromised their safety or because men frequently lied. It was generally believed that mediation did not work for women in situations of domestic violence and resulted in repeat victimisation. Caution was advised against the use of mediation as a way of keeping disputes out of court for women leaving situations of domestic violence.

Women who were supported by domestic violence services were likely to receive legal advice and support as well as to be put in contact with sensitive family solicitors at an earlier stage, enabling better preparation of cases in contact disputes by solicitors already vetted by support services.

SECTION 5: CHILDREN'S EXPERIENCES OF CONTACT

By drawing on the discussions with the 19 children and on the interviews with women and professionals, this section examines both the impact of contact processes and of contact with their fathers on children. The views of children about contact and their feelings about their fathers are given special attention.

EXPERIENCES OF THE CONTACT PROCESS

There appeared to be no hard and fast rules about gaining children's views during the contact process, though when it did happen, this commonly included Cafcass eliciting children's wishes and feelings or observing contact between children and fathers. The ways in which this process was conducted by Cafcass had great impact on children and women's emotional safety. It was evident that women were expected to be compliant and unchallenging in this process:

Often it is expected that mothers will go to the Cafcass office and leave the children in a room with the father, sometimes even expected to hand the child over with the father there, with all the sorts of anxieties and fears that that would cause. So even though they may not be at the same risk of actually being assaulted in a situation like that, the trauma or the anxiety of having to go through that process must have an impact on their feeling of wellbeing. And therefore I'm sure that the children are also then stressed and it has an impact on them. (S3)

The longer the proceedings the greater the impact it was considered to have on children, especially if there was a high level of hostility between the parents and where children were seen by a number of different professionals. Where women were able to protect their children from the process, this cushioned children from some of the negative effects. However, where women were under considerable family pressure and in continuing fear of their partners, this was seen to have negative effects on children. Children were generally considered to find it difficult to talk about contact even in therapeutic settings – *'on the whole they find it excruciatingly difficult to talk about. They might express it obliquely through their art material or the sand tray'* (DV4). Children were reported to give the responses they believed they were expected to give to professionals such as Cafcass:

Cafcass ask them quite directly. Whether that always works for the children's benefit I'm not sure. I'm not convinced. You ask a question like that, the child gives a response that they think they have to give. I think that the desire to have a lovely family is very strong (DV4)

IMPACT OF CONTACT WITH FATHERS

None of them report wonderful fathering before the violence. Several report violence from pregnancy and very extreme violence when the child was a baby, or kind of disengagement or not being involved. So it's always been in that setting where the child's been nervous or anxious around the father. One thing that women share over and over again is that they would like him to be this good dad, this good father for the children. (DV4)

The picture that emerged of men as fathers was of them having extremely limited involvement in parenting, choosing when they wanted 'to play dad'. There was a strong view among women that the system allowed them to do this. When women had wanted men to take responsibility for their children and be good fathers they were reported to have remained uninterested or, as was the case for many African-Caribbean women, often walked away leaving women with all the responsibility. However, when men wanted to pursue contact, often to get back at women, they emphasised their rights as fathers, something to which the family courts gave equal weight:

When I was trying to push them on him, he had the privilege of saying no. No can do. He can't do. So why is it now that everything's turned out like this that all of a sudden you want to play dad now. (AC8)

An earlier lack of fathering was often reinterpreted by men's barristers in court, and women blamed for not allowing it to happen:

It's really scary because depending on how good his barrister is, the most remarkable spin can be put on that and his disengagement can become 'she never let it happen'. Quite extraordinary, you know, some of the feedback that I get from Court hearings. (DV6)

The lack of expectation of men to change and take responsibility for their violence by professionals was noted by a number of the women and professional interviewees:

I think there's a really scary denial of responsibility around the father's responsibility for his own violence. It's never a condition of contact that the father goes on a perpetrator programme or takes responsibility ... never, which is shocking ... and a very sketchy understanding of why it's important for children to see their fathers. And again it goes back to the acknowledgement that the only person responsible for the destruction of that attachment is the father. It's not up to the mum and the child although it ends up being the mother's burden because of her love for the child. He's the one who destroyed the relationship or has damaged the relationship. (DV4)

In the main, women were seen by professional respondents to co-operate with contact proceedings and the decisions made (though there was also a discourse of the 'obstructive woman') while men were seen only to do so when it suited them. Many of the professionals interviewed stated that men frequently moved the goalposts during the contact process – either changing their demands or withdrawing from the process entirely (particularly the case with African-Caribbean men). The courts' emphasis on father's rights was seen as the reason for why this was tolerated. Those supporting women through men's ongoing demands emphasised that the courts needed to become stricter with those men who failed to co-operate with the decisions made.

A number of issues in relation to children's experiences of and men's behaviour during contact were highlighted by the interviewees. These included women's concerns about men being abusive to children or neglecting them during contact visits. Clearly, children are variously affected by domestic violence leading to differing feelings and attitudes towards contact. Some children were very angry at their fathers, expressed through the pictures they drew – 'he drew his dad with knives stabbed into his stomach' (DV4) – or what they said – 'all he could say was 'I want to kill my dad' (DV5). Other children who had not witnessed domestic violence often expressed a wish to see their fathers or to return home, not understanding why they could not do so.

Children were differently affected by contact visits. Whatever the impact, women were left to deal with the consequences of contact with their fathers. A number of effects on children were identified.

Children distressed at going to contact

Some children were reported to be distressed when going to supervised contact:

It started off really bad in the sense that [son] didn't want to go and I'd have to pick him up early because he'd be screaming and crying that much. (AC4)

She cries ... she screams, I'll fight with her to put her in the car. When I hand her over she's screaming, she's crying. He fights with her to put her in a car seat. And I do hope with time that will get better. (SA18)

Children neglected during contact visits

Although many men had placed immense pressure on women to agree to contact, often outside the formal process, when contact was ordered they were reported to leave children with new partners or grandparents and not spend time with them. Men were frequently reported to neglect children and their needs during visits:

She came back on the Sunday looking tired saying that she did not have breakfast. She said she had to wake daddy up 'wakey wakey daddy'. The whole day she was ratty. It got to the stage that she was so tired that she couldn't settle and sleep and she kept telling me things about the day. Contact is great for a child when it works for her benefit. At the moment it is not working for her benefit. It is not fair for a child to come back and say she had cried herself to sleep. (SA11)

Women who had ex-partners with complex needs – mental health and alcohol/drug issues – who were awarded contact outside of contact centres were reported to be especially neglectful of children when they were in their care:

When he saw [son] outside contact centre ... that is when he would come back not properly dressed, he would be dragging [son] by the arm, he wasn't just looking after him ... instead of doing something that was interactive and [son] loves, they would go to a pub, and as a result one night [son] got burned by a cigarette. (AC11)

Children abused or witnessed abuse during contact and found it hard to disclose

Men being violent towards children during contact when they had already been abusive before separation was a major concern for women. These fears were not unfounded as some men were abusive towards children during contact. Some children not only experienced violence from their fathers during contact visits but also witnessed men's violence towards new partners, something they were too scared to tell

their mothers about for a long time. On reporting this, women did not always get the response for protecting their children that they expected:

I said to my son 'dad was saying that you wet the bed. You don't wet the bed do you'. And he said 'no'. And then afterwards he goes 'actually mum I do'. He said 'well what I do is I try not to sleep because I'm so scared that I'm going to wet the bed and they tease me calling me [names]... and it was horrendous. I mean by the time we got home I was in floods of tears, just the stuff he was coming out with. Earlier his dad actually came at me and pushed me while he was shouting at me and stuff and [son] said 'that's nothing mum. He shouts at me even worse'. And then with that [son] started to disclose that his dad had beaten him and that [new partner] and his dad argue like that all the time. And that one of the times he was beaten was because he saw his dad had some stuff in a tin and he was opening it to look at it and his dad caught him and he got beat. And we know now that that's cannabis that he's talking about. Once I heard that he'd been beaten that was it. There was no way he was going back to contact. I contacted Social Services, they signposted me to [a DV service]. I contacted the police. They said because there wasn't any markings on [son] it would be his word against his dad's. (AC7)

Change in children's behaviour after contact – anger, aggressive, defiant

Several women with younger children recounted how children showed the impact of contact visits through changed behaviour, including being angry, aggressive and defiant:

When she comes back from overnight stays she's really different, she's not like how I know her. She's defiant, she can become aggressive, she ignores, and she's rude. She's quite angry and it takes hours, for her to like calm down really and get readjusted and settled. (SA4)

Children unsettled before and after contact because of anxiety

Other children were reported by women to be generally unsettled and anxious before and after contact:

Any time he has had contact he has been unsettled afterwards. This particular one he was very unsettled. He didn't sleep well but more so his actions. He went back to the house and he was hitting, kicking, spitting doing all the things he knew he wasn't meant to be doing. (AC10)

She doesn't tell me when she wants to go to the toilet in the night. I have to change the beds. I got used to putting a nappy on her after the visits. It's hard for me. (SA25)

Distress of contact leads to emotional and physical ill-health

For some children, the distress of contact was reported to impact on their emotional and physical health. Where children had chronic health conditions, these were reported to get worse through the stress of conflictual contact arrangements. Women had to go to great lengths to prove this through medical reports:

My son has got really bad eczema so that flares up with his emotions. So as soon as he starts crying or he's upset he'll start scratching and he makes himself bleed. So my solicitor and I agreed that it wasn't good that he was being put through this whole process so we went to Court and brought that up and his solicitor was like his eczema's not that bad so then we had to go and get the medical evidence from my son's consultant and from the GP. (AC4)

Children blame mothers for forcing them to have contact or for their fathers not turning up

Some children blamed their mothers for making them go to contact visits, something that was reported by almost half of those who had formal contact in place:

I'd tell him in the beginning of the week that this Saturday you've got to go and see your dad and he'd just start scratching and say I don't want to. And of course because it's me that's taking him there, he's thinking that it's me that's making him go. He's only five and so it's still a bit hard for him to understand that I have to take him because the judge says so. (AC4)

She can't go to school because she's too ill. She's got a temperature. She's been sick. She looks pale. She looks drained. She looks flushed. She doesn't want to have a bath. She doesn't want to get dressed. She doesn't like me brushing her hair. She hates me then. She goes 'why did you take me. I didn't want to go. I told you I didn't want to go'. (SA13)

Children confused as a result of men's undermining of women

Men were described as influencing children, especially sons, against women, something reported by over a third of the women:

Basically his dad had told him that I'm such a liar and that I'm trying to turn him against his own father ... He probably feels that he's betraying his father. I know that he'd been told by his father that if he said certain things they'll take him away from him and probably put him into care and just frightened my son into not saying anything. So he decided to cry and my heart went out. (AC5)

Whatever he says he is trying to put them against me ... Every time they come they come rebelliously. After they come they don't speak to me properly or they will start misbehaving. When they went to the first session it started, they were just not themselves. They were just completely ignoring me and not listening to me. (SA8)

The effects on children of this were considerable. Women reported children becoming more 'money oriented' and making demands for new phones, games and money.

Children's fear of their fathers leads to changes in behaviour

Some children lived in great fear, described as 'being petrified', of their fathers because of the control they had and continued to exert on them. This was something children were too scared to share with anyone and it only emerged through bed wetting and other behaviours, and reported by almost a third of women:

He was petrified of his dad and there's no way he would even have felt able to do that. He was convinced his dad knew everything, I think his fear went as far as that he even thought his dad knew if he was thinking about telling me something. (AC7)

Impact greater on children living with fathers

In a couple of cases where children were living with their fathers, the impact on them was especially marked and often not recognised by Cafcass. In the case described below they had recommended that the child stay with the father. In such cases, women were left with the responsibility to raise concerns and get cases reviewed, with this taking one woman over a year:

They were concerned about the child because the child had gone to the doctors and asked for sleeping pills because he can't sleep at night. The child was getting into fights and being bullied at school. When I say the child, it's my child. So there was cause for concern. They did a visit at the house and my son's expressed how he feels, he doesn't want to see me, he's not ready ... all this time my partner has been influencing the child, telling him all sorts of lies about me and no one's worked with my son all this time. (AC5)

WOMEN LEFT TO DEAL WITH EFFECTS OF CONTACT ON CHILDREN

Given children's varied responses to contact, women were left to deal with these and to cushion their children from the negative effects of contact with their fathers. Where women had made Cafcass aware of the effects of contact on children, they were frequently not listened to when raising concerns about their children's responses. The effects reported on children contradict professional assertions that the welfare of the child is central to contact decisions. Indeed, women stated that children's welfare frequently took second place to men's rights.

Those working in a therapeutic way with children believed that contact should not take place until the issues of post-traumatic stress were dealt with:

I would say that most of the children I'm seeing have got some signs and symptoms of post trauma, whether it's developed into a disorder or not. While they're recovering and while they're very much in their symptoms, I just think contact makes it worse. I can't see how contact with an unsafe father would make that better in any way at all or would alleviate any of the symptoms of post trauma that I'm seeing at all. It makes them worse. (DV4)

Women's accounts also raise an issue about what children relate about their experiences of contact visits and how this is represented in court:

It's about how do you present evidence that a child has given you? What do you do about that? [Daughter] was really reluctant to go to contact and really reluctant to have any contact. How do you actually say ok let's take this on board because you know the welfare checklist will say the wishes and feelings of a child but who has actually sat down with her and asked her these questions? I don't think anybody has. (SA4)

CHILDREN'S VIEWS

Feelings about contact

Of the children interviewed, those who had contact with their fathers varied in their feelings about this, ranging from being happy to see 'dads', feeling okay, to having hugely mixed feelings about this.

Some children showed profound confusion about their fathers, wanting to live with them but also feeling protective of their mothers. This was especially so where extremely abusive men manipulated children, by making promises and buying expensive presents, to force women to reconcile. Not understanding the risk to their mothers, some children had started to blame their mothers, as the following reveals:

My mum's got choice to do it. But my mum won't listen because my dad's saying I won't hurt you. But still my mum said no'. (8 SA boy)

Because of their desire for a happy family, children often believed men when they told them they would not hurt their mothers again. Children viewed men's violence after separation, such as breaking down the door, as their fathers wanting to see them and their mothers not being happy with this, especially where men influenced children: *'He break down the door. He wants to see me and that's all ... I want to see him'* (9 SA boy).

Women described feeling helpless and distressed where children were being manipulated in this way but found it difficult to get professionals to understand this, particularly because children's wishes were given so much emphasis. Children who had weekend contact with their fathers and their families were very mixed in their feelings. Some children wanted to see their fathers but reported spending limited time with them during contact visits. Some spoke about their dads getting fed up with them after a short time during weekend contact – *'usually he gets fed up quite soon'* (11 SA boy). Some felt fortnightly contact was enough.

Children regarded the opportunity to do different things to what they did with their mothers as a positive aspect of seeing their fathers. Some wanted to divide their time equally between their mothers and their fathers/grandparents. One boy repeatedly made the comment *'I couldn't choose'* in the interview, revealing the pressure he felt placed under by both parents and his divided loyalties. With children who had an attachment to their grandparents, spending time with them was more important than time spent with their fathers. Some South Asian children felt guilty about living away from their grandparents who they perceived to be 'all alone'. It was also evident from children's narratives that in some cases the grandparents put children under a great deal of emotional pressure – in South Asian families it is usual

for grandsons to be seen as caretakers of their paternal grandparents. Some grandparents paid children for each day they stayed with them. Others spoke repeatedly about their fathers or grandparents buying them presents and described this as one of the best things about contact. This must be seen in the light of women's assertions that men and in-laws frequently used presents to 'buy' children's affections and loyalty and to manipulate children.

It was evident that children struggled with living isolated lives and missed their larger networks of cousins and friends. A large part of their positive feelings about contact visits involved the opportunity to see and play with their friends and cousins, rather than spending time with their fathers. Where men had enticed children to have informal contact and made promises of presents, they felt angry when men were then abusive towards their mothers, stating they would never see them again. Some felt confused about seeing their fathers in contact centres. Other children went along with contact but had ambivalent feelings about seeing their fathers. One described his feelings as *'middle, not happy or sad'*. Some felt 'sad' about not seeing their fathers – *'I feel sad because I haven't been seeing him for a long time'* (9 AC boy).

A minority of children avoided answering questions about their feelings about contact or expressed annoyance at being asked about their fathers – *'It's annoying when people say have you seen your dad'* (8 AC boy). However, where children had received some support, it was apparent that they liked being able to speak to someone neutral, especially if they had mixed feelings about their fathers.

Children noted different feelings in their activity sheets about seeing their fathers. However, those who found it hard to talk about their feelings verbalised different feelings in the discussion to those they wrote on the sheets. They wrote a greater range of feelings, including more negative ones, than they verbalised. For instance, one boy said *'I feel excited and happy and glad'* regarding seeing his dad in the discussion but in his worksheets he also included words like 'angry', 'sad', 'hurt', and 'disappointed'.

The statements written by children (in their own words) included:

I feel happy when I go to see him. I feel sad because when I leave I don't understand why he done that.

Feeling really angry; feeling really sad; I feel sad of what happened.

I feel more confident and happy having contact with him.

I wish if he does it again he will go to jail again.

I wish that my mum and dad never had a fight.

I want to spend more time with my dad.

I feel quit upset and sad. Happy that we got a house.

I wish my dad colde come and vezet our house.

I don't whant to see him.

A number of the children said they wanted to see more of their fathers. One child was were profoundly confused (because of his father being extremely manipulative) and scared to tell his mother that he wanted to live with his father, believing that his mother could also make the same choice, as the following exchange shows:

- I: *So you feel happy when you go and see him. How do you feel after?*
R: *Feel sad.*
I: *Why do you feel sad?*
R: *I want to live with my dad and I want to live with my mum and dad I want to tell you I miss my dad. (9 SA boy)*

It was clear that when expressing feelings about seeing their fathers, children did not understand the risk their fathers posed to their mothers. That men were using children, especially boys, to place pressure on women to return was also a strong possibility. This confusion was made worse for children who were generally unsettled in their new homes and experiencing racism from new neighbours.

Over half of the children still feared their father's anger and described still feeling scared. Children found men's persistent post-separation violence especially frightening. These children had particularly strong anti-contact feelings, especially where informal contact had gone badly. When children were adamant about not wanting to see their fathers, they were very clear that their fathers would have to change their behaviour for them to consider otherwise:

Like stop hurting my mum and always respect her and stop smoking and drinking alcohol. And I wish he would respect us. (12 SA boy)

I wouldn't see him until he changes and after he changes we'll check what he's like for a year and then after like I might meet him again in like somewhere else. But he won't wait that long. (11 SA boy)

One eight year boy wished his dad was 'good' but could not elaborate on this. Those children who reported that their father's behaviour had changed felt very positive about seeing them.

Did they feel listened to?

Only three children interviewed had been through a protracted formal process and only one boy had strong feelings about not having been given a choice about going to a contact centre.

Nobody asked me. (8 year SA boy)

Where Cafcass officers were described as good at asking children about their feelings, children were positive about this:

I felt happy because there was stuff for me to do. And he wrote stuff about what I thought about my dad and he gave it to the judge at court. (8 AC girl)

SUMMARY

Practice around gaining children's views during the contact process was patchy. When it did happen it was common for Cafcass to elicit children's wishes and feelings or observe contact between children and fathers.

Children were differently affected by contact visits. This included: distress at going for contact; neglect during contact visits; being abused or witnessing abuse during contact and finding it hard to disclose; anxiety before and after contact; change in behaviour after contact, including anger, aggression and defiance; negative impact on emotional and physical ill-health; blame placed on mothers for forcing them to have contact or for the failure of fathers to turn up; confusion as a result of men's undermining of women; and fear of their fathers, leading to changes in behaviour. Women were left to deal with children's varied responses to contact and to cushion them from its negative effects.

Children's feelings about contact with their fathers varied greatly and some showed profound confusion about their fathers, wanting to live with them but also feeling protective of their mothers. This was especially so where extremely abusive men manipulated children, making promises and buying them expensive presents in a bid to pressurise women to reconcile. Children who had weekend contact with their fathers and their families especially had very mixed feelings. Some children who had great attachment to their grandparents were especially divided, though it was also evident that grandparents put children under a great deal of emotional pressure. Some felt confused about seeing their fathers in contact centres whilst others agreed to contact but had ambivalent feelings about seeing their fathers.

SECTION 6: WOMEN'S EXPERIENCES OF INFORMAL CONTACT

Women's journey through the contact process, informal and formal, was highly complex and sometimes very long. They were often unable to remember, as with abuse experiences, exact sequence of events, or the number of times they had been to court. With few exceptions, different professionals could be hard to remember for women and many remained unclear about the exact role of each professional they encountered in the contact process. This section draws on interviews with women with informal contact arrangements to highlight the issues and the implications this has for practice.

Informal contact ranged from three times a week to once a month or whenever men wanted to see children, though typically it was either once a week or fortnightly. It had been in place for anything from a few weeks to a year, although for some African-Caribbean women informal contact had been in place for many years until serious post-separation violence had resulted in more formal arrangements. Arrangements were most commonly made through family, friends, at women's houses, through grandparents or in public places.

WOMEN UNDER PRESSURE TO AGREE TO INFORMAL CONTACT

Contact is really difficult because it's so pushed down your throat that contact is beneficial. It's like breastfeeding when you have a baby if you don't breastfeed you're made to feel like a failure. I don't think anyone means to do that but they do and I think it's the same with contact that you're seen to be really evil if you don't want your child to have contact or you want it supervised. I think supervised contact is the same as no contact, that's the way that men see it. (SA4)

Women experienced a great deal of pressure from both professionals they encountered and family members to give men a chance and agree to contact. In the case of professionals, most of the women in these situations stated that decisions were made without full consideration of their cases, especially if they only wanted supervised contact. These pressures from professionals and families to concede to informal contact – keep things out of the courts as contact will be awarded anyway, not bring shame on the family, do it for the children's sakes, not dishonour black men – combined with the pressures men placed on women to agree to contact and in many cases resulted in compromising women's safety.

African-Caribbean women, who often dealt with their situations themselves or through family and friends, were more likely to try informal contact and over a longer period of time, and arrange this directly with fathers, family members (sometimes the new partners of men) or have telephone contact. In part, African-Caribbean women were committed to making informal contact work because they wanted their children to see their fathers, with some also feeling the pressure/responsibility to not implicate men in legal processes and to challenge the stereotype of black men:

Some women seem to feel really strongly that despite what's happened they really want the child to have some kind of contact with their father ... they say 'I don't want him to be the stereotypical black boy without a dad. And that's what I kept aiming for and I kind of wish I hadn't. I felt so guilty that I was doing you know ... and that people would look at me or that people would judge me for perpetuating a stereotype, but actually what kind of role model is that. What kind of father is that?' (DV3)

Pressure from family members was experienced by both groups of women, although it tended to be greater for South Asian women. Despite the widely held view of South Asian women being subjected to overwhelming family and community pressures, almost half of them were positively supported by their families in their decisions. However, where pressure was placed on women by men's families, this resulted in women trying informal routes to resolve their situations first in order to avoid stigma and shame:

... they're thinking in terms of what will people say, how will I be regarded, who will marry my children, who will look after me. How can I live on my own? How am I going to survive? What will my family say? How will my sisters get married off? So they will try every other avenue before it gets to that formal stage. And the key is that all those informal avenues are usually not successful and the reason they're not successful is quite simply women are not listened to. It's stacked against them, the power relationships. (DV1)

Such pressures about how they would be viewed and the future of their children led to South Asian women feeling guilty and conceding to informal contact but often ended up with women following formal processes because of the high levels of post-separation violence they experienced. Family interference among African-Caribbean families resulted mainly from men's mothers being complicit and enabling men to have contact with children when they were visiting them. Among South Asian women, where family pressure was an issue, this was often experienced from both their own and men's families and was especially strong where women were married to cousins.

Dominant views of mothering and parenting are powerful shapers of individual responses and beliefs about parenting and what is best for children. In addition to family pressures, women were also influenced by their own and wider social attitudes about the need for children to have fathers in their lives, even if it created risk for themselves. This was especially the case for African-Caribbean women raising boys:

I feel that I do know how to parent my child. I do know what's best for him and what's not. I just feel that the conflicting information that you're given and obviously you get these studies that say that children who don't have their fathers ... and sometimes that stuff clouds your better judgements. I always held onto that my son's a black Caribbean boy and statistics show that children that are raised without their dads become problems. And actually there's no sign of my child having problems, other than the interaction that he's having with his dad. So had I gone with my gut feeling I probably would have stopped contact a long time ago. It would have been less painful for my son. (AC7)

Such pressures to allow informal contact resulted in women subjecting themselves and their children to situations where their safety was frequently compromised. Only in three cases – two South Asian and one African-Caribbean – was informal contact considered to be working well at the time of interview, whilst the remaining women with this type of arrangement highlighted negative experiences.

WOMEN TRY INFORMAL CONTACT BUT ARE SUBJECTED TO CONTINUING ABUSE

As a result of personal, family and social pressures to foster relationships between their children and fathers, all women attempted to remain civil with men for the sake of the children. However, men used this to pressure women to reconcile and when they did not get their way often resorted to threats of violence, including threats to kill. The range of post-separation violence experienced by women is discussed in section ten. Since African-Caribbean women were more likely to deal with separation by themselves, as already noted, they also tended to deal with contact issues themselves and frequently followed informal routes. Having separated with the help of professionals or support services, with a few exceptions, South Asian women were more frequently dealing with contact issues through formal routes.

For several African-Caribbean women where informal contact was in place, this was due to African-Caribbean men's reluctance to go through formal contact processes or use 'authorities'. In the face of this, women were left to deal with their partners' demands to see their children when they wanted, often with on-going harassment from men, as well as having to deal with their children when they were let down by their fathers. In one case, informal contact was working out:

I want to do it my way first and if it doesn't work then I'll do it the contact centre way. And my way was which we did meet up, it started off as an hour or forty five minutes and then I'd say well right that's it. And then slowly a couple of hours and then it led to the day and now I actually trust him enough to leave her with him ... I can't say he's not the same person, I wouldn't know because we haven't been in that sort of contact any more. (AC1)

However, women in such situations were clear that if informal routes were not successful then they would go through the courts. Not wanting to repeat their own childhood experiences, some women went to great lengths to maintain civility with their partners for the sake of their children having a relationship with their fathers, even where men had been extremely abusive, including almost killing women. In such cases, it was clear that women disconnected the violence towards them from children's relationship with fathers, even when children had witnessed the abuse. So in arriving at decisions to use informal routes, a minority of women minimised their partner's violence and believed they were doing it for the sake of their children:

I do trust him a lot more, I think he has grown out of it. I would never go back to him though. He brings back a lot of horrible memories. But I always say that we have got a daughter together and we need to get on like adults, despite what's happened in the past. I said to my mum if it doesn't work, which it has been working, because he does take her for the day and he does look after her. He loves his daughter. So if it doesn't work like that then I'd bring in the legal way. (AC1)

In a case where her partner was in prison for murdering another woman, a woman was positive about giving him access to his children. It was evident that most women did not have high expectations of men as fathers. A number of the women described men's violence which often took place in front of children, and then stated that he was 'a good dad'. Even if men did a little towards the care of children, this was seen by women as men being what has been described as 'good enough' fathers:

He was a good dad really. He used to interact with the kids and that like just play games with them and you know dads are just dad aren't they. I don't know. They don't really do much without mothers. Yeah. He was good. (AC3)

A minority of women continued to see men as 'good fathers' even though they exposed children to smoking, drugs, and drinking during informal contact. However, women also stated that they lacked the support to put conditions in place so that children could benefit from contact with fathers but not be exposed to harmful behaviour:

I did believe that my son was seeing some things that were inappropriate. I knew that he would probably see his dad drink at times. I knew that he had probably seen his dad smoke. But I felt that even though I'd spoken with family members and asked people to monitor that ... I felt like I was playing a bit of Russian roulette with my son. But at the same time not feeling strong enough to ... and not being able to find the support to be able to put conditions on how he spent time with him (our emphasis). (AC7)

In maintaining informal contact, however, women carried the responsibility for making arrangements and ensuring they worked. Men appeared to take no responsibility for this. Not wanting their partners to find out where they lived, this meant some women took on the responsibility for dropping off and picking up children. In one case, a woman started off with informal contact at her house but when this became abusive for her she moved it to his house; when this also created problems contact was moved to a contact centre and then to his house again with different drop-off and pick-up arrangements. However, he made even this difficult:

His dad would just be nasty. Sometimes we'd get there and he'd say [son] is having dinner. So we'd be sitting down in the car for like two/three hours waiting for him. When [son] comes out he's saying 'no I wasn't eating my dinner. We was just watching something on telly'. So his dad would just be really spiteful. It just felt like he wanted to inconvenience us or when they were picking him up they'd say one time and then they might not turn up until nine o'clock in the evening. It was just becoming really sort of unmanageable. (AC7)

It was evident that many women accepted men's behaviour and games as part of the course of informal contact and had learnt to get on with their lives and deal with things as men presented them. Because of the problems experienced by women with such contact, some professionals thought that African-Caribbean women needed to be informed about the formal routes as a back-up resource for them if informal contact was failing or to be made aware of their options:

I think one of the things they need to be aware of is that the Court process is there for them too because it's not just about applications for contact, it's also applications to stop contact or formalise an arrangement or to make it a safer arrangement. (C-S4)

MEN USE INFORMAL CONTACT TO PERPETRATE ABUSE

It was evident that men frequently undermined the boundaries women placed on informal contact, making it hard for women to challenge them without being subjected to further abuse. In one case, informal contact went from once a month to twice a month and then to him turning up whenever he

wanted. In this way, men used the contact to insert themselves back into women's lives. In several cases, men used informal contact to continue abuse and harassment, with contact stopping only as a result of serious incidents, as the following illustrates:

He texted me saying that he was coming back in five minutes. ... Me and him had arranged for him to come to my house every Thursday to see his son and this was on a Friday and it was in the day. Anyway he was knocking and that I wasn't letting him in ... he saw that I was on the house phone and he went round the side of the house and switched off the electricity. Luckily I had credit on my mobile phone ... so I rang the police and as I was on the phone to the police he broke in and he put his hand in my mouth to try and stop me from talking. He was trying to grab my tongue ... He grabbed my hair and punched and kicked me and had me all over the place like a rag doll. Banging my head on different things and stuff. And then because he knew the police were coming he fled and just left me lying there with severe head injuries and internal injuries and stuff like that ... From that day that's when contact stopped because the police put a barrier around me in the sense of he can't come near me, he's not to have any contact with me and so on. But he still sort of was texting me. (AC4)

Allowing men to see their children after separation meant that some women made themselves vulnerable to years of chronic post-separation violence, with some African-Caribbean men habitually harassing women when they were in between other relationships. Since women were reluctant to involve others and especially to get men arrested, they were left to put measures in place to protect themselves. Where women made contact with social services to express concerns about their partner's behaviour during and around contact, they were told to stop contact without any other support being offered, something women did not feel strong enough to do, and which was not understood by professionals:

I'd called Social Services before saying 'I'm concerned about contact. What can I do?' And they used to just say stop contact. And I'm thinking to myself how can you tell me to do that it's not that straightforward. Who's going to be here when he turns up on Friday to get his son because I didn't feel strong enough to enforce that on my own. I just felt there was really nowhere to turn and just kind of on the other hand worrying about the impact of him not having contact with his dad. (AC14)

MEN USE CHILDREN TO PRESSURE AND ABUSE WOMEN

Men were reported as trying many different avenues to pressurise women into reconciling and used the children and informal contact as a means also to do this:

he was just constantly texting I'm going to kill myself, you're separating me from my daughter, I'm going to burn your house down, I'm burning our wedding photos and the funny thing is that most of it wasn't about our daughter, it was about him, it was about him and me and about our relationship and she was a method of trying to communicate. (SA4)

Where women attempted to maintain civil relationships with their ex-partners for the sake of contact for children, some men misconstrued this and used children to get back with women. Men were also reported to use informal contact to 'buy' children, showering them with gifts without little or no discussion with mothers. As part of this strategy to 'get children on their side', men used informal contact

as an opportunity to turn them against their mothers by tainting women's character to get back at them for separating. Children were also used by men to pressurise women to withdraw from any legal action or from following a formal process for contact. Some men were also described by professionals and women as influencing their sons to copy their behaviour towards women.

During informal contact, while women tried to shield children from arguments and disputes with partners, they repeatedly stated that men did their best to involve children in this for their own selfish ends, as the following illustrates:

He goes when your mum takes you to school, where does she go? She goes to work. No then she goes to see all her boyfriends. I said why are you talking to them like this for, issues between me and you are between me and you, don't bring the kids into it. And he started shouting ... If you're interested in the children you want the best for your children don't you. You don't want to include them in your arguments and disputes or issues, anything ... He has no conscience whatsoever. I think that men who abuse women are like serial killers. They have similar behaviour patterns. They have no conscience. No remorse. (SA2)

MEN HAVE AN AD HOC COMMITMENT TO INFORMAL CONTACT

The accounts of informal contact already given note that men rarely stuck to the agreed arrangements, came and went as they pleased, gave no regard to the impact of this on children, expected women to accommodate their visits and often did not turn up at all. Some men were also reported to turn up drunk. Men's ad hoc approach led to them frequently letting children down, leaving women to deal with this by cushioning children from disappointment:

He never used to turn up on time. He would either be late or he didn't turn up. Or he would fall asleep and couldn't wake up because he was smoking his weed. My daughter would be looking out of the window waiting for him, crying and saying where's my daddy? Or she'll be ringing him and he would get here two hours later. (AC9)

In the majority of cases, women who had tried informal contact found their partners did not adhere to arrangements and generally were highly unreliable, putting their own needs first and then blaming women for children not being happy to see them. In some cases, when African-Caribbean men were told by Social Services to undergo some programme or course if they wanted to continue contact with their children, they were described as reluctant to do this but still harassing women for contact. In a few cases, African-Caribbean men were depicted as willing to engage with social services for contact but not the courts. Even where some African-Caribbean men were insistent on contact they were widely reported to be inconsistent in their commitment. Consequently, men's relationships with their children were generally described as 'on and off':

The relationship with him and my son was on and off'ish. Really into my son when he had a girlfriend and not so into him when it was just him. I think he used him as a sort of like ... look at what a great dad I am, I think. Never really financially supported him. (AC7)

MEN FRUSTRATE WOMEN'S ATTEMPTS TO HAVE CONTACT

In two cases, where men had taken the children, it took women anything between nine months and a year to either establish contact or to get children back. In one case, a woman recounted how her partner had taken the baby while she was recovering from the birth, accusing her of neglect, secured residency but was using the child to get housing. In fact, women believed the system let them down when men took children and then frustrated their attempts to get them back. The delays caused by the legal process then worked against women, as part of the principle of maintaining the status quo, and men were given greater rights because children had been resident with them over this time.

In cases where men had children, they were described as doing their best to frustrate informal contact. Even where this moved to arrangements through solicitors, they found ways to prevent women from having contact. One tactic especially used by men in such situations was to accuse women of mental instability and promiscuity in order to undermine their mothering and thus prevent them from having contact:

Then texts came in the nature of you know I'm mentally unstable. I'm been promiscuous in front of my son in the house. I'm a prostitute ... I'm a risk to my son. I've given him alcohol. I smoke weed. Anything possible that could discredit me as a mother. (AC5)

In the two cases where men refused women contact, they still expected them to pay for children, becoming threatening when they did not get their way:

He was still harassing me to a great deal. I was on my own. I was absolutely on my own. One particular day he started calling me one morning at work ... He was on my doorstep waiting for money for school uniform, for this, for that. I said I'm not going to give you any money. 'I'm going to make sure you lose your job. I'm going to make sure your son hates you. I'm going to ... I'm never going to leave you alone'. All these promises which to date he has kept. (AC5)

After trying to make informal contact work for the sake of the children over many months and years in some cases, several women were only willing to pursue supervised contact. This was especially the case where children also voiced a wish not to see their fathers. An overwhelming factor in women wanting supervised contact was their fear that men would take their children, with this being common among both South Asian and African-Caribbean women.

SUMMARY

Women experienced a great deal of pressure to give men a chance and agree to informal contact. This combined with pressure from men and frequently compromised women's safety. For women with this arrangement, informal contact had been in place for between three weeks to a year but for some African-Caribbean women it was over many years until severe post-separation violence led to formal arrangements. African-Caribbean women were more likely to try informal contact and over a longer period of time directly with fathers. African-Caribbean men were also reluctant to use formal processes which they viewed as racist. Family pressure was a greater factor for many South Asian women.

While informal contact was working in three cases, men used informal contact to pressure women to reconcile or withdraw from the legal process and to continue their abuse. Men also used informal contact to 'buy' children, showering them with gifts, as part of a strategy to turn children away from their mothers and to 'get them on their side'. Women carried the responsibility to make informal contact work, with men reported to have an ad hoc commitment, where they came and went as they pleased, expected women to accommodate their visits, often did not turn up at all, and gave no regard to the impact of this behaviour on their children.

SECTION 7: WOMEN'S EXPERIENCES OF CAFCASS

Cafcass (the Children and Family Court Advisory and Support Service) staff, including senior managers and practitioners, were interviewed in both research sites. This included a group discussion with nine Cafcass staff, a brief discussion with 23 staff which was a part of a regular staff meeting, one-to-one discussions with six staff in local and national offices, and discussions with two Family Support Workers. This section draws on these discussions as well as interviews with women to highlight issues raised in the responses made by Cafcass to women and children. As discussed in this section, there was some mismatch between what senior officers in Cafcass believed to be practitioner response to cases of domestic violence and diversity and what was reported by other professionals and women. Where women had been involved with Cafcass, they described various experiences, although most of these were negative.

Cafcass represents children at court in family proceedings and becomes involved once a C1 application is made to court (after which a children's guardian is appointed in public law and a family reporter in private law). The introduction of the Safeguarding Framework in 2007 led to a more formal approach to risk assessment in domestic violence cases and a shift in the role of Cafcass from simply report writing to case planning and case management. These developments were aimed at replacing the ad hoc and inconsistent approach of the past with a standardised approach, something heralded by Sturge and Glaser's 2000 report and *Re L*. This new approach is seen to require greater understanding and analysis of the dynamics of domestic violence and the ways in which contact is mediated through this, though not all practitioners were considered to have this understanding. It also allows for the possibility of stopping contact if it is seen not to be appropriate, something not done in the past.

Central to the shift in the Cafcass approach is the focus on safeguarding which is viewed by senior staff as being at the core of their responses. Within this, domestic violence and safeguarding are emphasised as on-going concerns rather than issues that are only addressed at the assessment stage – *'you need to be thinking about it every time you see that family and there needs to be a mechanism for it to be recorded and to be fed back'* (S-C2). In practice, there has been a shift from the norm of meeting partners together to separate meetings, the re-definition of significant harm, greater awareness about domestic violence resulting from greater training, and the use of the welfare checklist. As a result of these recent changes, Cafcass' approach to domestic violence as an organisation was seen to be much improved by all those interviewed and practice was reported to have changed a great deal, enabling them to be more sensitive and responsive to issues of domestic violence. Although continuing issues were felt to remain, particularly in relation to staff shortages, lack of time, and heavy workloads, staff generally considered themselves better equipped to deal with the issue of domestic violence, both because of internal changes and changes in law, namely the change in the definition of harm within the Children and Adoption Act (2002). This was reported to have led to an increase in the number of domestic violence cases being dealt with across the research sites in recent years, so that around 50% of applications were reported to have issues of risk and a high proportion of these were reported to involve issues of domestic violence.

However, this new standardised approach was not yet popular among all staff, many of whom were reported to be resistant to their changing roles:

The old system was different referral processes, very ad hoc and then the contact itself, different criteria being used to observe it ... standardising it doesn't go down well because a lot of people like their independence and autonomy but it does actually provide for continuity, consistency and also ongoing assessment, monitoring and evaluation. We're saying to them 'look we don't just want you to record the information, we want you to analyse it and to have a look at it'. (S-C1)

LIMITED BUT POWERFUL ROLE

In cases of domestic violence, Cafcass' current approach is to have separate meetings with all parties – women, men and sometimes children. Offering women separate interviews has been one of the biggest shifts in practice aimed at enabling them to speak freely about their situations; undertaking a risk assessment has been the second significant difference from previous approaches. However, practitioners commonly only undertake one session with each party. Children's wishes, needs and feelings are, if at all, assessed through one session using tools that have been developed by Cafcass. If further work is seen to be necessary, this is carried out by Family Support Workers in a series of sessions with children, although the number of such staff was limited in the research sites. Contact between fathers and children may also be supervised as part of the assessment to look at the quality of parenting and the relationship between fathers and children. However, the process of assessing fathers' parenting by observing sessions was seen to be somewhat problematic as men's violence and women are taken out of the equation, with men widely reported to be on their best behaviour – *'the tendency is to behave when they're going through the Court process'* (C-S2).

The Cafcass investigation is based on one party's word against another so that women are placed in a position where they have to 'prove' the domestic violence. Although training was seen to have equipped practitioners to deal with such issues in their work, it was recognised that they needed to be highly skilled in dealing with contradictory information from men and women in domestic violence situations, complicated further by issues of diversity, and the investigation was not always experienced positively by women:

It's likely that a man will say that never happened or she's exaggerating or she's hit me too ... that's about the assessment skills of the practitioner to understand that. Somebody may lie in that situation, but actually keeping that focused on the child ... so if this has happened in the past then the likelihood of it happening again, what safety message do we need to put in place to protect the child and the woman. So I think Cafcass has moved on in their thinking around domestic violence and there's been a lot of training to help practitioners do that, to assess those risk issues, and to educate the Court about that. (C-S3)

A further positive development has been the introduction of finding of fact hearings introduced since *Re L*, which takes the pressure of making a judgement away from Cafcass, as evidence now has to be provided through the hearings to ascertain who is telling the truth. In general, however, the role of Cafcass was widely seen to be time limited and focused by those interviewed, preventing them from doing further work with families. Despite this short involvement, the role was considered very significant and seen to powerfully shape decisions about contact, as recognised by a senior officer:

In terms of the timeline our involvement is very time limited but actually it's a really significant involvement because we're making very serious decisions about future contact or where a child should live and things like that. (C-S3)

A minority of senior officers considered the Cafcass role crucial in raising awareness among other services, especially the courts, about the links between women and children and the ways in which men could use children to make women more vulnerable rather than simply being motivated by wanting to have contact with children. However, this view was not commonly reflected among practitioners:

We see one of our roles is to bring up the issues of children and how that can make women more vulnerable and how fathers will use the Court process to further abuse and manipulate. And it can be perceived that he just wants contact with his child, but actually our agency has to see beyond that in terms of what's the motivation behind the application. (C-S2)

EQUALITY AND DIVERSITY – STILL A 'WORK IN PROGRESS'

We've got a lot of broad based awareness on domestic violence but I'm not sure about cultural client groups ... we still have far to go on that. (C-G2)

Despite the greater understanding of domestic violence within Cafcass, practitioners were considered to be still grappling with their awareness of the intersection of ethnicity, culture and contact processes, especially in the face of increased cases coming to the attention of Cafcass from different communities. In particular, cases from South Asian groups were reported to have greatly increased.

Although the approach to different groups was seen by some Cafcass interviewees to be much improved it was regarded as a 'work in progress'. So, for instance, since many South Asian and African-Caribbean women do not disclose full details of violence in the first statement due to pressures to keep quiet or as a result of distrust of professionals, Cafcass were reported to have learnt to ask about domestic violence and there was a sense that they had got better at asking the right questions.

Cafcass practitioners reported having to undergo huge learning curves in relation to violence in South Asian families and described having moved to a position where they believed what they were being told by women and recognised that women were not able to access help easily, challenging the common question of 'why did she stay?'

I had to do quite a jump to recognise and to believe some of the stories that were told, particularly within the Asian community about everyone beating this woman up or the way that she's treated in the family. I'm like, that can't be so because why didn't you do this, and it was a process that I had to manage personally. (C-G2)

Many still struggled with the complex issues they encountered when working with South Asian families and, overwhelmed by cultural issues, found it hard to challenge arguments of 'culture' and cultural relativism:

I constantly struggle with the issue of imposing my sort of white values and our system, if you like, upon couples that come from a completely different one. It's really really difficult ... as an example, if a man truly believes that he owns the child and we're having to say well actually that's not how it is, it sounds very simple but to actually work constructively and to get engaged with those people I think we need a lot more ... I have been overwhelmed at times with what I'm trying to do when I listen to what sounds like amazing stories going back to the extended family, of the ramifications of what I'm doing in my report. When I get stories of inter-family stabbings in Pakistan in the village where they both come from, as a result of recommendations or my intervention ... it's massive for the worker. And I think we need a lot more, particularly in offices like this where we carry such a multi-cultural and particularly Asian client group. I don't think we are equipped in terms of people power, but in terms of also what we know and how confident we feel. I mean it's only in recent years for me that I've been able to say irrespective of your culture hitting that woman is not right and that's what I'm going to work with because I used to be so tentative about offending (C-G2).

One of the key issues for Cafcass in responding effectively to diverse communities concerns staff's ability to undertake sensitive and informed assessments to ensure they are culturally relevant, something underlined by senior Cafcass officers, given the stereotyping that can be commonplace. However, ensuring assessments undertaken by practitioners are appropriate and pay attention to diversity was considered to be a further 'work in progress' for Cafcass:

I wouldn't say that we're there. But what we ask practitioners to consider when they're making an assessment is the diversity of that family so are there things in terms of when you're making recommendations to Court that you need to consider about that family's culture or background? It can be simple things like the role of men in families or if people worship in a particular place, taking a child away from that environment, what would be the impact on them. So it's looking at that broader picture in terms of all those things before you make recommendations. (C-S2)

Some recognised that the model used by Cafcass for the assessment of parenting and play is Eurocentric. While new policies and procedures were seen to flag up important issues in relation to diversity, a reported weakness was the lack of a model given for practitioners to follow. Insight provided by research on domestic violence was seen not to be translated into effective practice with BME families:

There is a huge issue about interviewing for me. There's a huge issue about asking culturally sensible and appropriate questions and allowing people to tell their story but keeping it focussed in the right direction. (C-S4)

Thus, practitioners were seen to lack the knowledge base and interviewing skills for BME families and while cultural competence training is provided, training was seen to generalise issues for all BME communities and thus lack nuance. White colleagues were reported to rely on South Asian colleagues for advice, as part of practitioners making attempts to improve their responses to diverse families:

People are sometimes unsure about different cultures and then what they try to do is to find out a little bit more of how to talk with different people, what are some of their cultural needs. So they try to develop that knowledge rather than just go into it cold and ignoring that. (FSW)

Unwitting racism and stereotypes of different groups, through generalisations and assumptions, were reported to be common among practitioners who reacted negatively to any questioning of their practice:

There is a lot of pathologising of black families, a lot of pathologising of Asian families. This is how Asian women are, male dominance ... if you challenge people's practice, particularly around black issues, they go and check it out with somebody else, they still do it, or canvas other's people's views. (C-S3)

It was reported, for instance, that since African-Caribbean families tended to be seen as aggressive, practitioners were often fearful of dealing with such cases. Also, as already noted, the absence of African-Caribbean men and the dominance of South Asian men and their violence tended to be normalised. There was also a reported tendency among practitioners to accept what people from those families said rather than a questioning/challenging of certain practices. Black practitioners who challenged the practice of white colleagues were reported by black practitioners to get ostracised.

Training for practitioners on domestic violence was seen to be disconnected from diversity and equality issues so that even if experienced in domestic violence, they were often unable to link domestic violence with the implications for BME women and children. In particular, South Asian women's situations were reported to be poorly understood by practitioner. Thus, the presence of stereotyping and the absence of adequate understanding among practitioners about the situations of diverse families create barriers in responding effectively and safely to South Asian and African-Caribbean women and children, with some airing concerns about Cafcass assessments putting South Asian women in unsafe situations, with little follow up thereafter. Indeed, there has been external and internal criticism of Cafcass for not fully exploring diversity in their reports through not asking appropriate questions and exploring the full implications for individual women:

Consistently diversity isn't explored. We've been greatly criticised again that it's not explored in reports and there is a skill, a method of communication, kind of questions that need to be asked I don't believe get asked. I think our paperwork streamlines people's thinking, it says have you taken the cultural issues into consideration? What does that mean? What does religion mean? What impact does that have on an Asian woman from an orthodox Muslim background, living where she's got no family support whatsoever, ostracised by her community. Has to go every day to the school, the local mosque with her children and has to get contact sorted out. What does that look like for her? I don't think people ask those questions in the way I think they should. (C-S3)

Cafcass reports were acknowledged by senior officers to be inadequate at times because of their failure to make connections between women's experiences of abuse and recommendations for child contact, not to include sufficient analysis, and to highlight its implications for each situation. The lack of consistent practice among staff was noted repeatedly and there was a lack of fit especially with what was said by individuals and what was reported to be done by those at the receiving end:

Diversity is not part of the discussion at the moment. So all these people say it's part of my practice and this is what I do, where is it? It's not in the recording. I think it's about commitment and how resourceful a practitioner can be within a very tight schedule. (C-S2)

In areas with great diversity, greater attention was increasingly being paid to issues for BME families and quality assurance processes were being devised to ensure consistency in reports and high degrees of appropriateness overall when making recommendations. In part, this had followed research highlighting the mismatch between analysis in the reports and the recommendations made:

Training on equality and diversity for all Cafcass staff was emphasised by interviewees and some areas had begun to consider this more seriously than others. In one research site, this had additionally involved targeted training around assessments, bringing in speakers, visiting community venues, and building relationships with community and faith leaders to create greater understanding of the work of Cafcass and to exchange information. However, there still appeared to be inadequate understanding about the role that community and faith leaders could play in pressurising women to remain in abusive situations or pursue informal mediation routes. These are issues that can, however, be addressed in further training.

Complexity not understood by professionals

There was a widespread view among domestic violence services that Cafcass and the courts did not understand women's position in communities – *'the knots they've got themselves into around culture and identity, how are they going to unravel all these knots?'* (DV7). This was seen to result, in South Asian cases especially, in an over-emphasis on issues of culture and religion (rather than gender) by professionals when they were not the significant issues in cases of violence and abuse:

Religion and culture are sometimes just red herrings ... They wrap themselves up in knots because it's become such a main badge of identity, they can't see beyond it ... Issues of culture and religion are beginning to distract from often what is the issue at heart which is the violence and abuse and the interests of the child. (DV1)

Consequently, Cafcass practitioners were reported to have an inadequate understanding of the complex issues for South Asian women and were generally seen not to understand the additional pressures on women which compromise their safety in contact disputes. Domestic violence services reported struggling to ensure that Cafcass understood the complexity of the dynamics for South Asian women:

I don't think they can apply diversity fully, they don't have the understanding. With Asian people, it is not just about contact with husband, wife and the children, you have the extended family you need to think about, the extra pressures it is going to cause. It could cause you to go back to the perpetrator, I don't think they fully understand the pressure that Asian women are faced with in child contact. (DV5)

Whilst this led to them getting things wrong, practitioners were reported by women not to respond to women questioning their recommendations:

Cafcass just said that it was too complicated, the cultural issues were just too great and that was their report. I mean it was quite critical towards me. I did challenge them and I said 'this wasn't what I said to you in the interviews. You've got this bit wrong, you've got that bit wrong, do you remember?' I said this and they were like 'sorry we haven't got time to rewrite them'. (SA24)

Where women did not have English, this was used against them in decisions by practitioners without an insight into the experiences of domestic violence by South Asian women (who may be deliberately kept at home and prevented from learning English) by abusive partners:

I was actually present in an interview and the Cafcass officer said 'how does mum help the children with the homework'? Mum wasn't able to respond but I did explain that mum does understand,

she doesn't feel confident speaking. A lot of the women will have some level of literacy and they are able to get to the basics. But what he was more concerned with in his report was when that child reaches eleven and twelve and they do more complicated levels of study, what would mum do then. (DV2)

Several women thought that, while emphasis was placed on the rights of children to have attention paid to their identity and culture, questions about this were asked inappropriately:

They asked how I promote [son's] culture, like Caribbean culture. I looked at her and at first I didn't understand what she meant. I don't think she understood what she meant. She just knew that she had a question and she had to ask it. 'So how do you?' I goes 'because if I'm honest with you [son] eats Caribbean food, he eats Chinese food, he eats English food, he eats Nigerian food. So actually I don't push any particular culture to [son] because (i) I'm mixed parentage, I was raised by an English mother' ... I goes 'but he's aware of his colour. He's aware of where he's coming from. He knows his roots. He knows he's a black child. And I think that he's aware of black people. I do find those questions frustrating and you wonder what they're piecing together with that information. (AC7)

BELIEF IN THE IMPORTANCE OF CONTACT FOR CHILDREN

Given their role, positive outcomes for Cafcass are equated with ensuring some form of contact takes place. To this end, pro-contact views were still clearly evident among practitioners, with some stating that they, at times, spent considerable time with children to identify why they did not want contact with their fathers and tried to convince them to do so, whilst also lamenting the lack of services that could do this with children. Only for some did this also involve paying close attention to the safety of mothers. This was further reflected in the views of other professionals who stated that Cafcass responses were based on a pro-contact position:

The children came in, they just refused to have contact ... to speak to father. It's almost as if I was doing the work with them to open them to ... why are you feeling this way and really encouraging them and eventually they were moving. But it took a lot of experience to get them to move. We couldn't do that indefinitely ... that work isn't being done (C-G).

There was a widespread perception (and actual experiences) among women and domestic violence services staff that children were often forced to have contact by Cafcass. However, Cafcass practitioners viewed their role instead to be one of exploring if contact was in the best interests of the child as well as to distinguish if the child was voicing their own views or being influenced:

I think there is always the question of is this the child's real wishes and feelings or has there been influence. The biggest test of that is the language the child uses, you can see when a child's being coached. If you're working with children all the time you can very easily see when a child's being coached by the terminology they use ... which when you're doing say an hour's work with them, you see the difference between when they're using their own words and when they're using somebody else's words. (C-G2)

The issue of influence and coaching created much tension for those women who stated they had been accused of coaching children when in fact their children were considered to be extremely articulate and had arrived at their own decisions. Clearly, such decisions can be differently interpreted by practitioners who sometimes used assertions of influence to disregard children's true wishes and feelings and thus failed to recognise that children may have good reasons for not wanting contact with their fathers. In general, it was acknowledged that domestic violence does not automatically lead to 'no contact' but the better practitioners tended to give greater thought to measures for mothers and children and on occasions wrote to judges who had not adequately considered the risk in ordering unsupervised contact.

Some senior Cafcass officers were clear that contact was not always in the interests of the child and that the risks had to be clearly assessed as did the parenting and motivation of the fathers, alongside children's wishes. However, although senior officers believed that presumption of contact no longer existed and that fathers were expected to address their behaviour⁶, it was acknowledged that some form of contact was still desirable and expected to go ahead.

We recommend more now than ever before a parent needing to attend a domestic violence perpetrators programme, for example, before any contact could go ahead. We recommend non-direct contact sometimes where it's letterbox contact because the safety issues are such ... it's not safe for contact to go ahead. But we feel that some contact needs to be maintained for the child so we might recommend non-direct contact. (our emphasis) (C-S2)

In making such decisions, most believed that assessments were critical to deciding what was best for each child, rather than having a blanket approach to contact. However, if diversity is not fully considered in assessments then the safety of decisions for South Asian and African-Caribbean families can be easily compromised.

A lack of understanding of the dynamics and complexity of domestic violence among Cafcass practitioners was widely reported by women, who recounted many instances when they were pressurised by Cafcass to give men a chance even where men were repeatedly unreliable and had been given prison sentences. Women also reported being not believed about their abuse experiences, often being told to obtain medical evidence of abuse, and they generally felt that they were more harshly treated than men:

I have tried everything even agreed to contact yet Cafcass say to me that I must give him a chance. I went to court and was told that I was lying ... that I need to prove the abuse by medical evidence ... Cafcass and the solicitor put me under pressure to agree to contact, that I should give him a chance. Why? How many times? ... He never sticks to contact. If he did anything wrong, no problem. If I did anything wrong they would throw a mountain at my head. This particular officer, I have had contact with her and to be fair I don't think she understands, she doesn't take the children's best interests at heart. These children have come from a very disturbed background, it has impacted on their emotional mental health and I can see that. I can see the effects of contact on my children. (SA9)

Women who had shared the extent of the abuse they had suffered felt let down and not listened to by Cafcass when making their recommendations. In one case, Cafcass recommended a child stay with

⁶ Although one of the ways in which practitioners respond to violent men is to recommend perpetrator programmes or parenting courses before contact is recommended in order to ensure men take responsibility for their violence and to focus on the needs of children above their own, in practice, the waiting lists for such programmes were reported to be extremely long and such services generally under-developed.

the father even though he had little involvement in parenting, had perpetrated serious and crippling abuse, used drugs and had a criminal record. In such cases, women believed children's interests were not prioritised:

I told them about the abuse ... the mind games, the financial side, the fact that I'd raised my son single-handedly for the last ten years. Why then all of a sudden is my son walking out of the house and not returning? I said it's not my son it's his father, you need to get my son away and get him back so we can get to the bottom of this very quickly. We had a meeting, they met him, they met my son. When a report came out I read this report and I had to read it again and I just couldn't believe what I was reading. 'This child has suffered emotionally because of his parents' dispute, however the child should stay with his father'. I was like what! ... He'd been arrested on various occasions for possession of Class A drugs. I was like what! I just couldn't believe what I was hearing. I couldn't believe what I was reading. (AC5)

Women who initially welcomed Cafcass involvement especially felt let down by their lack of understanding. In particular, it was reported that Cafcass did not look adequately at the facts of the case but instead listened to men's accounts and counter allegations, as part of their process of listening to both sides. This invariably resulted in women feeling their experiences were given inadequate consideration and validity and that practitioner responses were based on an under-pinning assumption of the right of fathers to have contact with children.

Indeed, a few women felt they were patronised and treated like criminals by practitioners. Women who had raised children on their own with little support from men could not understand why the lens was placed on them rather than on men. Women recounted numerous instances where they felt misrepresented by Cafcass, who they believed had a different approach to them than to men:

They are very disappointing, very very disappointing ... she came in there and was very intimidating and rude to me ... and every time I addressed [son] as my son she said 'don't call him your son ... and when he called [son] my son, she ignored it ... I tried to say 'look I don't really mind him seeing [son] but this man is not capable of looking after children ... After that they wrote a letter, they lied actually, they said 'after the mother had been persuaded she agreed the father is doing a good job so she has agreed to unsupervised contact'. (AC11)

Overwhelmingly, women reported that Cafcass practitioners took inadequate account of the risk men posed to them and their children and failed to listen to and understand women's concerns about safety. This led to a widespread perception that Cafcass forced contact even with risky fathers. In one case, a man involved in drug related activities had been kidnapped and had threats made that his children would be targeted next, something that was not taken seriously by Cafcass.

Decisions about the quality of contact and recommendations for increased contact were reportedly made by practitioners after brief observation of contact between men and children, something noted by women and professionals:

They see dad and the child in the room for a short time and without enough understanding they'll come out with a sentence like 'well the attachment is good'. What does that mean? There are very specific ways of assessing attachment and one sentence is not enough. It's a clinical diagnosis and people should only make it if they know how to make it. (DV4)

Given this limited observation of contact, women believed that the impact of contact on children was not fully understood by practitioners, who also failed to take on women's feedback about this. This further led women to believe Cafcass practitioners were on men's side, and that they failed to understand that women wanted contact to be in supervised settings where safety and the risk of violence could be minimised:

Every time she kept on saying things like it's the father's child and I have never denied it. I have always said that's what I want. I want him to see his father but I want him to see his father in a place that I feel safe for [son], where [son] is safe and I am safe. (AC10)

If contact was seen to be impacting negatively on children, the onus was on women to take it back to court, something that frequently acted as a deterrent and resulted in women managing arrangements that were abusive for them.

Moreover, women commonly believed Cafcass reports were a poor reflection of their concerns and experiences. Given the practice within Cafcass of interviewing both parties to establish the facts, women felt unable to challenge men's accounts to Cafcass when they believed men commonly lied to secure maximum contact or to obstruct women from getting contact. Consequently, women were frequently unhappy with Cafcass reports, seeing them as inaccurate:

There was a lot in the report that I wasn't happy with. Things he'd said or done. And I wanted to question him in front of them about the report. There's a lot of stuff in there which wasn't true ... And I was prepared to sit opposite him in front of him and say 'well actually that's a lie and that's a lie. How can you say that', you know, and question him in front of them. But they weren't prepared to do that. But yet they were prepared to produce this report. Half of it was lies. So he can say anything in that report and that's what went to the judge. (SA12)

Even where women had fairly positive encounters with Cafcass practitioners, they had concerns about the final report and felt under pressure to agree with their recommendations:

... they have a huge amount of power in a case because the Judges very rarely would go against their recommendation. So whatever they recommend or say, either the Judges will order if it's contested, but often clients are being advised well you know even if we do contest this you're not likely to get anything different to what the Cafcass officer says. (S3)

A common thread in women's narratives was that they had no come-back, with some not even knowing the process through which they could challenge Cafcass reports. A minority of women, left feeling they had little option, had directly challenged Cafcass themselves but it was clear from women's accounts that officers responded negatively to being challenged. Some children were also reported to be unhappy with the way that Cafcass had dealt with them but solicitors had advised against making a challenge:

My son said that when he was talking about the abuse they finished his sentences. So that made him feel that they'd already got dad's account of what had happened. So he felt that there was more he could have said, but he didn't want to because they believed dad already. (AC7)

The difficulty of complaining about Cafcass and changing a practitioner was widely recognised by many of the interviewees, creating inherent pressures on women to comply with the process. While the approach, experience and position of practitioners tended to vary, their focus on making some type

of contact happen clearly remained the driving force in their work with families, in spite of a greater recognition of the effects of domestic violence on children's welfare.

Women viewed as obstructive

Despite an increasing awareness of domestic violence, a view of women as obstructive of contact was widely reported by other professionals and by women to exist among practitioners. This was also evident among some of the Cafcass staff interviewed who made comments such as the following:

Parents when they're hostile to contact, irrespective of the child's wishes and feelings ... and the child might be curious and would like to at least see their father and have a relationship with their father, but mum is totally against that. So her own issue with father and her own relationship with father ... where children, they're not traumatised by the effects of the violence or don't know what mum's actually talking about, she's saying 'your dad's a bad man and this and that ... you find that the ending of relationships can be quite aggressive, especially if the man believes that the relationship's been going OK and then all of a sudden wife and child disappears ... so the stopping of contact can be that mum is saying no I don't want him to have any contact and she doesn't want the child to have anything to do with their father at all. (C-S2)

Alongside this view sat a common assumption that fathers tend to be genuine in wanting contact and women prevent them from doing so, seeing men's commitment to the lengthy formal process as evidence of this:

It's a lengthy hassle business. It isn't hassle free, the process is so complicated and if you are a working father it's very expensive. You don't do it to sustain ... you don't naturally do it to sustain a vendetta. (C-S5)

Indeed, women described coming under a lot of pressure from Cafcass who were seen to place the onus on women to make children see their fathers, blaming women when children were reluctant, and failing to see that children were often scared of their fathers:

I thought that is totally unfair, how can you possibly say that I'm not allowing the children to see their father when in fact I'm more than happy for him to see the children. But you can't force them if they have got that fear in them. You're saying to me I have to encourage the children to go towards dad when the children are saying 'mummy I don't want to go' because there was a lot of violence when my children were quite young and they saw ... especially my daughter. So she's got quite a lot of fear in her. She kept saying well you have to ... I'm Sorry Mrs [name] you have to encourage them. (SA19)

However, positive responses made a major difference to women's experiences and where Cafcass staff were insightful regarding domestic violence, prepared to listen and were positive and respectful to women, and were experienced as supportive, this was described as helpful for women:

She said to me I can tell the type of man he is just by having talked to him, the Cafcass officer said to me. To think that somebody knows what I am talking about and you know she can tell so it was like a weight off me. (SA4)

OTHER CONTINUING CHALLENGES

The same issues were raised by a range of professionals about responses from Cafcass in both sites and are discussed below.

Inadequate reports

Inadequate reports resulting from time pressures were an issue which caused concern within Cafcass, for other professionals and for women themselves. While some aspects of the approach to the writing of reports was being addressed, it was evident that the time pressures for the preparation of reports continued to be a major challenge.

Staff shortages which cause delays in reports

We've got a bit of a problem with Cafcass at the moment because they're so short staffed, and the good ones are getting overwhelmed really (S7).

Clearly, staff shortages are at the heart of many problems reported above which then cause delays in the process and this represents a major issue for Cafcass to address. Delays caused by staff shortages take on a greater significance for South Asian women and children during contact disputes if they are subjected to pressure from men and wider family members in the intervening time. The longer contact takes to resolve, the greater the period for women to be subjected to this pressure. This exacerbates the already lengthy process for South Asian cases necessitated by the complexity of issues.

The matter of delays was also repeatedly mentioned by women who stated that Cafcass frustrated the progress of their cases by taking too long to complete their assessments and write reports for court. In some cases, they had reportedly taken months to simply contact women. Getting their paperwork wrong, alongside not completing reports on time, was also widely reported by women, creating a general sense of Cafcass staff being unprepared, including failing to sometimes attend court. Clearly, delays have huge implications for women who have to put their lives on hold until contact is resolved and create great anxiety for women. They can cause delays in court hearings and often contact cannot be moved to the next level because reports have not been completed (one case was reported to take one year). Delays can also lead to legal aid finishing for women and women being left un-represented.

Cafcass practitioner skills and knowledge 'not ideal'

Some are better at the job than others and some would investigate further than others ... I think it's just a question of personnel a lot of the time. I think the good ones are very good but there are some that perhaps have been doing it too long and got a bit jaded, I don't know. But some of them don't really seem to take the issues on board and they'll come back with either silly recommendations or no recommendations at all at the end of having investigated ... You think well what was the point in that. (S2)

The variability in approach of practitioners' skills and knowledge was widely reported by other professionals and by women. It was evident that practice varied hugely, despite training on domestic violence being provided to staff, which has clear implications for future training developments within Cafcass. In South Asian and African-Caribbean cases, the variability in practice is hugely concerning given the greater safety and risk issues that are commonly present in contact disputes for women and children. This is especially so because of the power that Cafcass have in influencing judges and in determining decisions about contact.

Women commonly dealt with different Cafcass officers and stated that the response they received depended on individuals. Clearly, the process was one of 'pot luck' for women but something that powerfully shaped things for them and their children:

I went to another Cafcass officer next time I had to attend court. Same courtroom, same sitting in the waiting room and all of that and she was with my file and that really pissed me off. I was sitting in this waiting room, its kind of agonising, you're afraid, he was getting more and more arsey ... and this woman hadn't even read my file and when she asked me for reasons why I didn't want to increase the contact, she made me feel like they were invalid reasons and that I was just being difficult. And it was the stance 'so why shouldn't he have more' not 'why should we keep it at this level' or 'is it safe for this guy to be having contact?' (SA4)

Tension between approach of courts and Cafcass

As already noted, Cafcass staff were considered to have greatly improved their awareness of domestic violence in the face of recent policy and practice development. However, the courts' focus on proof and incidents and reluctance to consider historical violence (making it hard for BME women who often do not have the evidence) was seen to create tension between this and Cafcass safeguarding policy (though the two practice directions were seen to make it somewhat easier for Cafcass to insist that the courts carry out a fact finding).

A further tension was created by the courts wanting to rush into decisions 'far earlier than we think is safe' about the nature of contact:

So that is a tension and then it's how our process fits with the finding of fact hearings, it's another tension. So it's not easy when you work so closely with another body because you're not in control of your own process. I can't say, for example, at how many weeks any one of those things should happen because it depends when we get to meet people, when the courts ask us for more work, when the court commissions something. It's quite difficult. (C-S2)

Different policy agendas and pressure groups, such as father's rights, were also seen to create tensions for the role of Cafcass so that where the human rights of the father were emphasised, this was seen at times to contradict the rights of children.

LIMITED UNDERSTANDING OF ABUSE AFTER SEPARATION

In addition to widespread practice based on pro-contact assumptions, there appeared to be a limited understanding of post-separation issues and the ways in which men might use contact to continue abuse against women and children. Some practitioners stated they could differentiate when the demand for contact led to abuse and when the contact was used to abuse – *'when you assess you have to look at the harassment that's about wanting to take the contact with the child and wanting to maintain contact with the child to continue to abuse the mother'*(C-S4). However, women reported that Cafcass overlooked many issues of post-separation abuse in their assessments. Instead of understanding and acknowledging women's fears and knowledge of men's behaviour patterns, professionals often viewed women as exaggerating the capacity of men to do the things they feared – *'they forget that I was there for six years and I know how he works'* (AC6).

Several practitioners acknowledged that gaining a balance between the emphasis on the right to contact and the ways in which men can use contact to continue to abuse women had been a 'huge learning' for them. Recognising how children can become the site of power struggles between parents and how men manipulate children had also been a part of this learning:

I think the surprise for me since I've been here is the emphasis on the right to contact as well as contact being a vehicle for continued violence, harassment and the child being caught up ... is the bit that really concerns me. (C-G2)

Being able to identify the effects of abuse on women's behaviour and parenting post-separation, especially for South Asian women, was seen to require great insight and expertise on the part of Cafcass staff, and something that was not always evident among practitioners:

We would do it by meeting both parties and by ensuring that our staff have got a sort of understanding around domestic violence which helps them to understand why the picture might be a bit confused, have an understanding of why the woman may not have left, have an understanding of the difficulty of engaging support services for the children and also the impact on the victim's parenting and self confidence. So that you've got somebody who's not presenting as a bad mother, but a mother who's struggling in very difficult circumstances. (C-S2)

LIMITED CO-ORDINATION WITH OTHER AGENCIES

While Cafcass reported having links with local organisations, this was not always reflected in what other professionals and organisations said. Cafcass staff were widely considered by domestic violence services and contact centres not to keep in contact or do any follow up. Moreover, it was evident that some practitioners were unaware of existing, albeit limited, support services and there was a sense that support services should be contacting them. In particular, there was very little communication reported between Cafcass and other professionals over cases and at times, Cafcass were considered to not know where contact was taking place in cases they were dealing with.

Co-ordination among professionals and agencies, though limited, was seen to be crucial for BME families, especially South Asian women who have been very isolated:

You know pick up the phone. I think it's partly laziness, partly people constantly think it's not their responsibility and so there's no co-ordinated approaches for possibly an isolated Asian family with children. (C-S4)

Indeed, where Cafcass staff had sometimes linked into community resources and used religious organisations, concern was expressed about the failure of staff to vet such places and individuals before assuming them to be sensitive to issues of domestic violence. This raised the need for Cafcass to oversee that such developments ensure the safety of women and children. However, lack of time and heavy workloads were cited as working against building contacts with other organisations or making referrals to support services. Clearly, the issue of inter-agency work is crucially important in addressing the current lack of integrated services for women, especially South Asian and African-Caribbean women who often require greater support because of their vulnerability, and its absence on the part of Cafcass was considered by a minority to be a significant gap.

LIMITED WORK WITH CHILDREN

There was a general acceptance among Cafcass staff that children's views could be ascertained in a single session as well as through additional checks with schools/nurseries, and that they would be able to identify if children had been influenced by a parent (though if children said no to contact they were often assumed to be influenced by mothers). However, a minority recognised the limitations of making recommendations about contact based on what children say they want in one session. They also acknowledged that eliciting children's wishes was still very limited and something that was sometimes done on the telephone.

Overall, however, there were many examples in the response from practitioners of a general assumption that professionals knew better about what was best for children, especially when children refused to see their fathers. Women, on the other hand, saw this as negating not only their experiences of abuse but also their say in their children's lives:

... you have to think about what this child's saying and why this might be and alright this might be the child's immediate wishes, but we have to think about the child's long-term best interests and we have to use our own knowledge and skills and what research tells us to inform us that although the child might be saying this is what they want, that may not be in their best interests. (C-G2)

The importance of doing longer term work with children, currently seen to be extremely limited, was aired by those who felt women influenced children but that contact was important and needed to be worked on with those children who said 'no'. There was also a view that resources were being spent on court hearings and adults rather than work with children⁷:

Especially like the children who are caught in the middle for example, what support do they get to bridge the gap where there's been no bonding with father? You're arranging contact and they're refusing contact because either they've been influenced by mother against father and manipulated in some way, but nevertheless you feel it's in the best interests of the child to establish a relationship with father. They will need to have some work being done with them, therapeutic work, CAMHS for example ... there are no vacancies. (C-G2)

⁷ Cafcass run an on-line peer mentoring service for young people.

Despite the emphasis on the welfare of children by Cafcass staff, women and domestic violence services considered the contact system to frequently let children down. This was especially seen to be so for those who fell 'between the cracks', such as the case of a child who was manipulated by an extremely abusive father and was living with him. When he stated that he did not want to see his mother, this was accepted by agencies and ultimately left him in a situation of great vulnerability for over a year. Only after persistent and continuous pressure from his mother, who was deeply concerned about the impact on her son, did Cafcass staff, who had been happy to leave him in the situation, change their argument and recognise the negative effects on the child.

That Cafcass staff needed to focus on children rather than advocate for men in their decisions and their practice was repeatedly emphasised by women. Moreover, the need for Cafcass practitioners to unpack what children verbalise, especially if they were being manipulated by men was underlined. Where contact proceedings were lengthy, it was suggested that children's views should be updated. Projects conducting longer term work with children revealed the need to do more in-depth work with children to accurately identify their feelings so that subtleties, which get lost by Cafcass, are picked up:

Often a child will say 'I want to see dad and what comes out in here is that the child is thinking dad will find out that I've said I don't want to see him. So dad is in the room even when they're just talking to the Cafcass officer ... And then when I eventually see him he'll be so angry with me. I'm terrified of what he'll do. And I think those kind of subtleties are lost. Even in supervised contact, things I've heard like they won't understand that look and the child will and that the father will find ways of intimidating and threatening in ways only the child will understand. They'll think he's being nice, but I'll know what that look means. I think those subtleties are lost within the Court system a lot of the time. (DV4)

Cafcass staff rarely referred children to other support services, sometimes because these were not available or operated long waiting lists. In the absence of services for children, women who recognised the importance of children speaking to someone neutral and independent, were frequently left to deal with the effects of domestic violence and contact on children by themselves.

SUMMARY

Although the approach of Cafcass to different groups and its understanding of domestic violence was much improved, its approach to 'diversity' was regarded as a 'work in progress'. Practitioners were still considered to be grappling with their awareness of the intersection of ethnicity, culture and contact processes, especially in the face of increased cases coming to their attention from different communities. Cases from South Asian groups were reported to have greatly increased, and Cafcass practitioners reported having to undergo steep learning curves in relation to violence in South Asian families and many still struggled to challenge arguments of 'culture'.

Conducting sensitive and informed assessments, to ensure that they are culturally relevant and avoid commonplace stereotypes, was underlined by senior Cafcass officers but also seen to be a 'work in progress'. Training for practitioners on domestic violence was seen to be disconnected from issues of diversity and equality. Although some areas were addressing this more proactively, an overall lack of consistency in approach was reported. A belief in the importance of contact for children among Cafcass practitioners was widely reported. Consequently, a practice of convincing children to see their fathers

was seen to be common, and viewed by women and domestic violence services as children being forced to have contact. Where practitioners paid close attention to the safety of children and mothers, this was viewed very positively by women and other professionals.

Administrative inadequacies on the part of Cafcass were repeatedly mentioned and consequent delays in making assessments and preparing reports were seen to create great anxiety for women who often put their lives on hold until contact is resolved and especially where they come under pressure from wider family members. Delays can also lead to the expiry of legal aid and women being left unrepresented.

Although some practitioners stated that they could identify when contact was used to continue abuse, there appeared to be a limited understanding of post-separation violence issues and it was something that was overlooked in assessments. Where raised by women, this was seen as women exaggerating the capacity of men to do the things that they feared. The ways in which men use children to continue abuse, however, was increasingly becoming a learning curve for some practitioners.

There was a general acceptance among practitioners that children's views could be ascertained in a single session, supplemented by checks with schools/nurseries, and that they would be able to identify if children had been influenced by a parent (although if children said no to contact they were assumed to be influenced by their mothers). However, a minority of practitioners recognised the limitations of making recommendations about contact based on what children say in a single session. They also acknowledged that the practice of eliciting children's wishes was still very limited and was sometimes done just by telephone.

SECTION 8: WOMEN'S EXPERIENCES OF LEGAL PROFESSIONALS AND THE COURTS

This section draws on interviews with all legal professionals, interviews with women and other professionals to outline the issues that are significant for women and children when engaged in the legal process. All of the legal professionals interviewed had extensive experience of family law, accrued over a period of between eight to 20 years, and of working with a diverse range of clients. Legal professionals with insight and experience of domestic violence as well as work with diverse communities were often very aware of the barriers and challenges encountered by South Asian women although those interviewed reported seeing very few African-Caribbean women.

CONTINUING LIMITATIONS DESPITE CHANGES IN APPROACH

All of the legal professionals spoke about the 'huge changes' in responding to domestic violence and contact they had seen over recent years, especially since *Re L* and the two practice directions that have emanated from it. As already noted, the biggest change identified was the current emphasis on safeguarding and the early identification of risk, in which Cafcass plays a key part. While things were seen to have improved, a gap in policy and practice as well as the limitations of the law were repeatedly recognised:

They're expecting the law to really intervene in private lives and manage it which you can't really do. It can remove the excesses of people's behaviour, but it can't police and manage their day to day behaviour. All the court is dealing with is the extreme cases of domestic violence ... you do kind of feel sometimes you're going through the motions and you can see it in the judge's faces, 'oh violence, right, let's have your standard directions'. It really is like that and now the courts have got into a practice saying right I want a limit to the allegations. (S2)

Despite the emphasis placed on domestic violence in contact proceedings, some believed that issues for BME women had remained the same. It was considered 'too early' to assess the impact of changes on issues of equality and diversity:

How that actually translates itself to women from those backgrounds I think perhaps it is too early to say because some of the issues that I've always thought were difficult particularly for women in those circumstances remain very much the same regardless of those practice directions. So although everybody has to put their mind to it more specifically than they would have done before in terms of being a mainstream way of dealing with domestic violence ... there are still specific issues that relate to women from different cultural backgrounds and that have not necessarily been adequately addressed (B1).

Despite this, many of the legal professionals considered the awareness of barristers, solicitors and judges to be much improved on issues of domestic violence and 'cultural' issues, especially areas of great diversity. Training for legal professionals was also seen to be adequate and widespread and, coupled

with the recent changes, was considered to ensure positive responses to women and children. However, despite this, the experiences that South Asian and African-Caribbean women have of legal professionals and court processes raise many issues for practice responses and are discussed in greater detail in this section.

VIEWS OF CHILD CONTACT

All the legal professionals interviewed were asked about their views on child contact and what they considered to be its benefits and risks for children and for women. Their responses were mixed and at times contradictory. Several of the professionals emphasised the benefits of contact for children, seeing it as essential that children grow up knowing both parents. Some also acknowledged that this had to be properly weighed up against the damage it could do to children.

As with Cafcass staff, a belief that some type of contact should take place is evident in most of the legal narratives. Great emphasis was also placed on the need for professional intervention with children who had negative views about their fathers, either to ensure they did not grow up with resentment or to address any negative effects, so that contact could ultimately take place:

I think children would benefit enormously from having input from both parents. Where there's been domestic violence the child would need to have some sort of professional input to try and overcome that because otherwise I think they would grow up resenting the perpetrator. (our emphasis) (B3)

Thus, while children's responses were seen to be determined by age, there was an over-riding emphasis on 'correcting' any negative attitudes children may foster towards their fathers. Such a view betrays limited consideration of the perpetrators' abusive behaviour, the fear it can create, and its impact on women and children. As already discussed, such professional views were negatively experienced by women who were often held responsible for their children not 'bonding' with their fathers. Even where some judges recognised the obstruction domestic violence represented to creating positive contact experiences for children, the process through which this was decided was still considered to be a challenge:

I'm forever hearing myself say to parents for goodness sake your child has said to the family court advisor, all I want them to do is stop falling out about me, can't you just sit down with a cup of tea and talk about how he's doing at school, just once but they either can't or won't do it. And if they can't or won't do it then the child just becomes anxious and desperate every time contact takes place because they're terrified of the row and that's the downside of it. Generally good contact I think is ideal if the child can move between the two families but there are families where that just isn't possible and it can become emotionally damaging to the child. And that's the tough call for the judge, is to decide how emotionally damaging it's been for the child. (J)

The importance of assessing each case was constantly emphasised, with only a small minority stating that it was important for the perpetrator to accept the negative impacts of his abuse on the non-abusing parent and the children. In the main, though, contact was still considered desirable. Additional issues for South Asian women were seen to require attention to ensure that contact was a positive experience. The need for greater support was underlined to ensure that the wider family did not attempt to deal with things outside of what had been ordered by the court and compromise safety for women and children:

I think that's a bigger issue than perhaps it is for white women. Sometimes you'll have situations where things have been ordered by the Court, but in the background there's lots of things going on. (S1)

Only a minority thought the benefits of contact for children were exaggerated in situations of domestic violence and questioned the view that the motive of men for contact was always their interest in the child or that the system was able to adequately assess the benefits of contact for children:

My overall impression is that often the benefits of contact to children are exaggerated. I have to say where there's been violence and where there's a feeling that that's the motivation behind the contact, the ability to enable the children to have a good quality relationship with that father without causing anxiety within the family within which they live, be it their siblings and their mother, I think has not ... even with the changes, really hasn't been properly addressed. (B1)

RIGHT TO CONTACT

There isn't actually a case which says a presumption of contact, but our advice always is prefixed with that, that it is in the best interests of the child for him or her to have regular contact with the father for their emotional security, their identity, all of that. And there has to be exceptional grounds for them not to have contact. (S3)

Despite changes in the ways in which domestic violence is considered, the right of fathers to have contact remains a strong underlying principle in contact proceedings where emphasis continues to be placed on finding ways to make contact. Moreover, while contact is often phased, the ultimate goal is to have arrangements in place that do not involve other services and to reduce the supervision of contact, as recognised by some judges:

Usually supported contact or supervised contact is not going to be a permanent feature, there's either going to be contact or there's not and this is a stage in the process either as part of an assessment or to see how the children react. (J)

Although each case was seen to differ, contact was invariably ordered and created further issues for women in the face of limited supervised facilities. This resulted in contact either being unsupervised or taking place in supported centres. Indeed, it was rare for judges not to order contact even given evidence of domestic violence or for it to be stopped once it had been ordered.

In order to control court time, judges were reported to be increasingly limiting the number of allegations of domestic violence, with some in London reported to be asking for ten incidents. This was seen to be providing a shortcut approach in situations where some form of contact was seen to be inevitable and represented, for some, a limited consideration of the impact of domestic violence on women and children's experiences and safety:

She said I only want ten incidents so she was saying to the mother who was acting in person, you pick the ten serious ones. It's a broad brush approach. But we know it's not so much the seriousness of the incident, even something minor could lead to harm. You do need to know about every incident to actually properly determine what harm is going to be caused to the child because

don't forget domestic violence isn't just physical ... It's all about trying to control the court's time because if you've got about twenty or thirty allegations, we're talking about two/three day hearing or whatever. And I suppose the court's view is if you've found at least two or three or four of them are true, do we really need to know about the other allegations ... But it's all about harm and it's the impact ... you need to know about how each incident had impacted on the mother and how it could impact on the child. So there is a kind of shortcut approach the courts are taking, I suppose, let's just find out if domestic violence did take place, we know contact's going to take place anyway ... (our emphasis) (S3)

Indeed, legal professionals interviewed could not provide any examples of cases in the last ten years where contact had not been ordered, even if it was indirect contact. Some believed that the principles of maintaining the status quo and the presumption of contact coincided with the interests of men and their families at the expense of many, especially South Asian, women. Thus, considerations such as the history of abuse, the undermining of the mother, and women's marginal position within the family, which can be common among abused South Asian women, were often not adequately understood or taken into account when ordering contact:

I think courts and the fathers rely on the principle of maintaining the status quo so what you have often is a situation where the woman will be in the extended family home, she will have been abused by not just the husband but the wider family. In that process often she's disabled from caring for her children because they take over the day to day nurturing and the quality time with the children and disable her from taking them to school and all she's resigned to doing is cooking and cleaning for the children. And so then when you have a situation where she's left them, the Courts will say well there's the status quo, plus the fact that they have this very strong bond with the paternal family and they have that familiarity with the family home and obviously the longer that goes on the more likely it is that the woman is disadvantaged in being reunited with the children because she doesn't have the resources, the home, ... and very often they rely on the fact that she can't speak English and therefore can't help them with their homework, with their education. (B4)

The argument of maintaining the cultural identity of children, often used to secure contact by men, was also frequently dealt with in a way that led to concerns among women and some legal professionals. In situations where the damage to women's mothering was not taken into account in contact decisions, there was a reported lack of consideration of the support women may require to address and enhance their mothering capacity, resulting in a perceived lack of parity with fathers for whom various options are increasingly considered⁸.

SOLICITORS

I think domestic violence and the subject matter of family law have been devalued. Despite all the rhetoric and talk at policy level with government, on the ground what they're doing is they're pushing it downwards to lower courts and that in itself speaks volumes I think about where priorities lie. And the sort of solicitors that deal with them are very often junior solicitors and

⁸ In serious cases of DV in London, men are referred to the DVIP for an assessment though the waiting list for this was reported to be extremely long. In other sites also where such interventions existed, various interventions such as perpetrator and parenting programmes were often recommended though the fact of limited resources was lamented.

they're inexperienced, the women are seen in a hurry, in emergency situations for ex parte orders and I think insufficient consideration is given sometimes to the preparation of their first statement. (B4)

As this quote highlights, a number of issues which have implications for women and children involved in contact disputes where domestic violence is a factor were raised by the solicitors and barristers interviewed. These are discussed in detail below. Seen in the light of women's over-reliance on legal professionals, many of these create particular concerns for South Asian women's access to justice.

Fixed fee system leads to less choice and inexperienced solicitors dealing with domestic violence

The only people that will be left doing it is probably trainee solicitors and barristers who are not going to have the skill and competence to necessarily understand the complexity of the type of cases that are being dealt with. (B1)

The proposed fixed fee system was widely viewed as a negative development, likely to have great implications for domestic violence and contact cases. It was seen to be resulting in restricted choices for women and to offer them a poorer service, as many experienced solicitors and barristers faced pressures to not do publicly funded work, including complex contact and domestic violence cases which involve lengthy court proceedings. Less experienced solicitors were already reported to be doing this type of work.

Such developments also have greater implications for South Asian cases which tend to be more complex and where clients require greater knowledge and expertise from solicitors. Both professionals and women reported that they were given trainee solicitors and in most such cases women had negative experiences. This was further raised by the barristers interviewed who stated they were often instructed in cases that had 'become a bit complicated' because they had been dealt with by inexperienced professionals:

And then it's only when you start looking at it and realise why things have perhaps not gone as one would have hoped because the person hasn't prepared properly or has allowed something to happen that shouldn't have happened. And then it's trying to resolve the situation and possibly back peddle to address whatever difficulties have arisen, because people lack the experience or knowledge. (B2)

Women reported a range of experiences with solicitors, with those women who had contacted or found solicitors on their own reporting more negative experiences. Several women reported that their solicitors lacked experience in the court process themselves and, in some cases, had delayed appointing barristers and were generally not well prepared for court. In one case, a solicitor had given a woman her partner's statement ten minutes before court. Some women felt completely let down by those solicitors who failed to come to court, including for the first hearing:

My solicitor didn't turn up. I was on my own and everything was new to me ... And it was my first hearing. He goes 'don't worry it's only directions. You'll be OK'. For my first directions I found out later they were very important. (SA13)

Less experienced solicitors were also reported to tell women what to do rather than present the options to them. This was viewed negatively by those women who were proactive with agencies/professionals and also has implications for those women who are heavily reliant on legal professionals:

I was thinking ... you should be telling me what my options are ... She was making it seem that I only had this option and this is the way to go. And I didn't feel that her choice of ways to go about things were going to benefit me and my children or protect them. (AC6)

In some cases, women were not allocated to one solicitor but given whoever was available on the day, leading to a lack of continuity and greater anxiety for women. A number of AC women who regarded dealing with the legal process as 'pot luck' and just as risky as dealing with their partners reported having to change solicitors to get a more positive response.

One of the implications of law firms ceasing to take on legal aid work was that women are having to travel further afield to find legal aid solicitors. In general, changes in public funding, which is critical for those affected by domestic violence, are especially likely to disproportionately affect those South Asian and African-Caribbean women who live in poverty. Clearly, it was important for women to be represented by experienced solicitors who could challenge men's denials more effectively.

Working women could not always afford solicitors and felt they were excluded from legal protection, either bearing the financial burden of protecting themselves from abusive men or representing themselves in dealing with contact issues and post-separation violence.

I can't afford to take on a solicitor ... I haven't got the money to tell the solicitor just to write and tell him and pay three hundred pounds for them to just do that. I haven't got the funds. There should be something out there that's free even if you're working. (AC8)

The inability of women to access financial support to secure legal representation has clear implications for the safety of women and children.

Limited time

Funding restrictions were increasingly impacting on the role of solicitors, including limiting the time they spent on explaining matters fully to their clients or making referrals for support.

Sometimes when clients feel solicitors are not listening to them, I think it's probably we're dealing with the most urgent issues, dealing with the procedural side. We try to explain to clients what's going on but it's not possible to say everything especially in very limited time. We may not always prepare them about the court process because we're so concerned about the time. (S7)

As discussed later, this was a crucial issue in relation to complex domestic violence and contact cases for South Asian women who have often never spoken to anyone else about their abuse experiences and need more time, particularly if there are additional language issues. Women have to also be able to trust a professional before they will disclose their experiences fully, which is crucial for evidence building and the outcome of their cases. This is something that is not always possible if they are rushed for time.

Some solicitors' firms that were experienced in domestic violence, however, gave considerable thought to good practice when representing women in court:

We try and at least introduce them so that they know who they're going to be going with. We would suggest that they come to the office first so that they meet the person they're going over to court with and they actually get walked over to court so that they're not on their own when they go through the searching process and all the rest of it at the court door. Then obviously whoever it is will find the room that we've got for them and sit them down out of the way. So it's really just being aware of how they feel ... We usually go into Court beforehand to work out who's going to be sitting where and what happens when she gives her evidence. (S2)

As discussed earlier, it was clear that women who had never been to court and did not know the process, even if they spoke English, feared men and needed solicitors to explain things fully and have a supporting attitude through allocating more time to explain and listen. However, solicitors often had their own limitations.

Managing women's expectations of the legal process

Where a lot of women find it difficult is when you say that it [domestic violence] won't bar the father from having contact. And I think sometimes they find that very difficult because I think they think that because there's been domestic violence he can't have any contact at all. So I think going through that process with the client sometimes is very difficult. (S3)

Solicitors frequently had difficulties balancing women's expectations with the legal process that had to be followed. Women's over-reliance on solicitors created further pressures on them to manage such expectations from women. However, women described solicitors as having a very clinical approach to their experiences of domestic violence and believed there was a mismatch between them and solicitors – for the latter it was just another contact case but for women it was about 'my life'. Women reported being advised to agree to contact. They believed that their fears of their partners were not taken on board by their solicitors, who, if they made time to listen to and understand their fears, could ensure more positive experiences for them:

They didn't take on board just how afraid I was of this guy and I think if someone had that would have been a real difference to me, it would have lessened my stress, it would have helped me think more clearly ... It was very much I am charging you by the hour here, I've got no time for other things, this is what we are going to apply for and you know you have to fill in this form. (SA4)

Where solicitors took more time, explained fully and had a more sensitive approach, this was viewed very positively by women. In a couple of cases, South Asian women believed their solicitors were intimidated by their partners, while a woman felt let down by her solicitor who she believed had been influenced by her partner's solicitors. This is a real issue for women from small tight-knit communities where the possibility of professionals from their communities being connected to other professionals or abusive men and their families could impact on the way they dealt with women. While it helped some South Asian women to have South Asian solicitors, it created fears for others, especially those who were professionals themselves.

Women's distrust of the legal system

According to legal and other professionals, limited knowledge of the legal system resulted in South Asian and African-Caribbean women frequently distrusting the legal process. This was seen to lead to women not being fully open about their experiences with legal professionals until they had built up a relationship of trust:

There is a real problem about getting them to trust the system and I think again a lot falls on the practitioners to try to demystify the system. Now a lot of the family law practitioners, the solicitors, the barristers, they're all highly attuned to the needs of the clients and do try to work on that particular problem. (J)

Stereotyping of the two groups among family law professionals was seen to put women off engaging with the legal process, with African-Caribbean women especially seen to not trust 'the system'. This could, in part, explain the low numbers of African-Caribbean women reported to be using the formal process. As already seen, many South Asian women also used the courts as a last resort, coming under pressure to resolve issues within the family. This served to create additional barriers for both groups of women:

There's lot of stereotypes about black men and Asian men and I know women I've spoke to don't want to fulfil those stereotypes that society have of them around violence, controlling women. So you know they've got that additional barrier when they approach agencies as well. So I think it takes a lot for them to come into the process, the court process. (C-S4)

Certainly with our Asian ladies a lot of them are very very loath to take any proceedings. I think it's probably taken quite a long time for them to actually get the courage to come and see somebody about it ... a lot of them feel it should be kept within the family and we're a last resort really for them. (S2)

This was exacerbated by women's frequent reports that solicitors provided inadequate information and explanation about what to expect at each stage, and something seen to be needed by women who had never been to court or had little or no knowledge of the contact process. Indeed, women stated they were told what to do by their solicitors rather than being made aware of their full options. Without this knowledge, women did not know how to deal with the demands in court and could make little sense of the proceedings. It also acted as a deterrent to women in following through with contact proceedings and did little to increase their trust in legal processes.

First statement, evidence building and women's credibility

Pressures on solicitors' time coupled with the complex cases typical of South Asian and African-Caribbean women led to insufficient time being spent on the preparation of women's first statements. However, the first statement was considered to be a vital element of building up evidence and of ensuring women's credibility in court. The mismatch between the two, coupled with additional issues for South Asian and African-Caribbean women who under-report abuse to the police or other agencies, clearly has implications for the experience of and outcomes for women and children. Evidence building was the single most important issue seen by legal interviewees to require greater attention, sensitivity and insight into South Asian and African-Caribbean women's experiences. A failure to do this was considered to let women and children down.

The devaluation of family law through changes in public funding, leading to less experienced solicitors being allocated to domestic violence cases, and solicitors lacking insight into domestic violence and women's cultural contexts were all seen to impact on evidence building and women's credibility, especially in cases of South Asian women, if statements from women were inadequately prepared:

That statement is all important when you come to fact finding because it goes to issues of credibility and there is a tendency I think within some Asian communities for the women to talk in a very sort of inflated language, very emotive, and sometimes exaggerated. Now that's a reflection of how they have felt their experiences to be but sometimes where inadequate thought and time is given to the preparation of that report, it means that later on their credibility's undermined. And so I think there needs to be much more thought given. That preparation goes to corroborative evidence as well, sometimes solicitors aren't gathering corroborative evidence about the woman having been to the doctor or the hospital or called the police and the preparation of documents is sometimes woefully inadequate. (B4)

A lack of understanding of South Asian and African-Caribbean women's issues and contexts on the part of solicitors was considered to have particular impact, especially where there were additional language barriers, and leads to inadequate preparation for the legal process:

I do think that early preparation of documentary evidence does affect minority women, first of all because they often aren't able to articulate the fact that there is access to all this other information by way of corroboration. Secondly because of language and cultural differences sometimes there's solicitors who don't understand sufficiently the cultural context in order to present the evidence in the best possible light. (B3)

The following example highlights the insight required by solicitors of South Asian women's issues and shows that women's articulation of their experiences needs to be understood in their cultural context and then presented in court in a credible way:

You'll get a woman saying 'they beat me and they starved me'. And you'll get someone saying that she's been starved, she's been denied food for a whole month, that's clearly not credible. ... Food is such a potent and emotional symbol within our communities, it carries great import and it's not that she's been starved for a month, but they have withheld food, they have withheld her ability to access food. And it should be presented in a more realistic light rather than just taking it at face value, what she says in a state of heightened emotion when she comes to them very early on in the proceedings ... it could be the family sits down to eat a really elaborate meal and they leave her with the bones. (B4)

A further example is provided by allegations of witchcraft, commonly aired by South Asian women, which are seen as irrational in court, but often have real significance in many South Asian communities:

Women often rely on allegations of witchcraft and people giving the evil eye and spells and rituals and that kind of thing. I had a case where a judge turned round and said 'well what do you want me to do with this because it's completely irrational, there's no rational evidence in support of it?' ... And yes it was irrational, but you have to look laterally at how to counteract that in order to understand what she was saying. And so what we did is we got a social anthropologist to analyse that and said OK on the face of it it's irrational, but it's actually based on a very rational fear of the father wanting the daughters to be married off into the paternal side of the family. And that's what

the mother was really trying to guard against, about them being brainwashed and the father had behaved in ways historically that actually supported the mother's concerns. So that was a way of addressing that where if you look at it conventionally it would have been discounted. (B4)

As the quote above indicates, if women's explanations of negative behaviours through recourse to the 'evil eye' or witchcraft are not understood, this can confirm allegations of women's 'madness' by men. While such cultural insight may be considered insignificant, it is critical to evidence and often to the outcome of cases, linked as it is to women's credibility:

These are all things that potentially stand to affect the quality of evidence and therefore ultimately influence and inform findings and decision making whether it's at investigative level with Cafcass officers or with the judicial decision making process. And if it is not understood in an appropriate cultural context then it serves ultimately to affect the mother's credibility and ultimately to undermine the safety of the children because decisions are being reached on insufficient information, insufficient understanding and therefore they're not fully informed decisions. (B4)

As the building block for evidence, what the above shows is that the first account given by women, is crucial and requires time and understanding to prepare. As already noted, South Asian and African-Caribbean women take longer to seek help, and being concerned about the consequences, to also build trust with professionals who are representing them. Moreover, because of women's reluctance to share personal details or because they have never told anyone else, it can take longer to get a full picture of their experiences. This is something that requires a great deal of skill, understanding, and numerous appointments, especially if there are also language issues, on the part of solicitors. In terms of good practice, it was thought extremely important that solicitors addressed any language issues and made time to listen and obtain women's full accounts, even if it took longer:

It may mean that you need more appointments in general and certainly if there are language difficulties anyway it tends to take longer. But it's just a case of trying to be patient and not rush them. And I think it's across the board with clients that have experienced domestic violence, they just need that. You've got to sit there and listen and sometimes take a bit longer than it might actually need in itself, but because you want to ensure that they feel that they're being listened to. (S2)

For women who may never have talked about their experiences of domestic violence it was seen to be especially important to do so before giving evidence in court, making it even more crucial for things not to be rushed when the initial statement is taken. In this way, solicitors can be the first stage in an important process, something that also helps to trigger women's memories and recall events and later aid women in court. In the absence of corroborative evidence especially, it was considered crucial for women to have experienced solicitors taking their first statement.

In cases where evidence of domestic violence only consists of women's statements, where these are not sufficiently detailed, barristers are often left with 'her word against his' which places greater pressure on vulnerable women, who are perhaps less confident, literate or knowledgeable about the legal process, to give evidence in court on the basis of which a judge makes a ruling. In this way, initial barriers to help-seeking can also become barriers in contact proceedings.

Contradictory views were expressed about what counted as evidence. While most acknowledged that women's statements and their evidence in court were considered sufficient by judges, even in the absence

of corroborative evidence, others pointed out the difficulties created if there was no other evidence, resulting in the process being 'a lot harder if you don't have any evidence corroborating what you're saying' (B2). Indeed, the lack of corroborative evidence was leading solicitors encountered by some women to advise them against raising domestic violence as an issue in proceedings. A further problem arises when full details of the abuse are not provided in a woman's statement and new issues are raised by women when giving evidence in court, as this can lead to a loss of credibility.

Both solicitors and barristers play a powerful role in sifting through the evidence and deciding on 'relevant issues', a process in which women feel powerless and which can leave them with a feeling that all of their experiences have not been included. This is a difficult and lengthy part of the process and barristers are guided by what they think will be considered to be the relevant issues, even if it loses meaning for women and their own narratives. It was evident that barristers with experience and sensitivity to domestic violence ensured that they consulted women on each allegation and obtained any additional information relating to this to provide as much detail as possible. In deciding on 'relevant' facts, however, it was further apparent that a much greater focus appeared to be given to physical violence than other non-physical forms or patterns of coercive control, though it was recognised by all interviewees that the effects of psychological abuse could often be worse for women and children.

Trying to establish a 'true picture' and credibility through an interpreter was also reported to be difficult for women and professionals, including judges who reported using different approaches:

You really do need an independent interpreter and somebody who is good. ... The problem with it is that when you're trying to assess somebody's credibility, doing it through a third party is not easy and it does create a bit of a barrier so it makes your task that much more difficult. But it's the best we've got really. I mean if a litigant has got some English ... what I try to do is say well look let's try in English, but if you feel you're really struggling or if there's something you don't understand we'll have the interpreter sitting next to you who can help you. So that's one way round it but it is a problem. Interpreters are not an ideal way to facilitate evidence. (J)

The absence of corroborative evidence also requires greater understanding on the part of judges about the barriers for women, especially South Asian women, something not seen to be common among all judges:

You'll find those representing the husband saying 'if she'd have been that bad she'd have gone to the doctors and she hasn't'. That's a not infrequent suggestion from whatever background the family comes but I think if that allegation is being made in relation to women from certain communities then the judges would scrutinise it particularly carefully, knowing that, for example, some women can't go to the doctor without their husband being present, that sort of thing. So you have to be very astute to look at that and not necessarily take it as a fact which tends to undermine their evidence about what's happened to them. (J)

Judges were reported to order fact finding hearings in most cases of domestic violence and there was some frustration on the part of judges and solicitors about this as it was believed this would not make a difference to the outcome but created huge demands on everyone's time. As already noted, the lack of corroborative evidence was seen to make little difference if attention was given to preparing a detailed first statement. However, the absence of such evidence and the over-reliance on women's statements and evidence in court placed pressure on women, causing them great worry and anxiety, especially if facing wider family pressures, and relies on the judges having insight into their circumstances.

It also has implications for the credibility of those women who lack confidence or who have language barriers as well as wider pressures. In such cases, it was considered important to allow longer for the court process when using interpreters:

It's always more difficult for anybody with language issues in that it takes longer. It's tiring for everybody and particularly for the client obviously ... and ensuring that you have good interpreters. I mean that's the most important thing I think so that the clients feel that they're managing to express themselves appropriately. (S3)

The greater pressures on South Asian women, for instance, to return to families also raises issues of credibility for women if they do not conclude their applications, coming under family pressure to agree contact outside, and repeated applications are made to court. This is something that needs to be understood during contact proceedings:

Asian women are probably more likely than not to reconcile because of the extreme pressures and that should be understood when they go up for repeat applications or for enforcement. Because again it affects credibility that one needs to understand the context in which they do that. (B2)

To counteract this and to ensure good practice, it was considered important for solicitors to create space to speak with women on their own and take instructions without the pressure of other family members being present. Those women who did not initially provide a full history of domestic violence or raise it at a later stage, and who allowed some form of informal contact, were often disadvantaged later in the process and their credibility could be questioned in court. Some women also minimised and disconnected the abuse towards themselves from children seeing their fathers, remaining committed to contact unless men became extremely unreasonable. The following highlights the insight and experience required from solicitors to spot that domestic violence was an issue in the relationship so that judges did not view women as 'throwing in domestic violence' to resist contact:

It was just when I was drafting the unreasonable behaviour particular, that that incident came up ... It may well be that the mother thinks why should that one or two incidents make any difference or why should domestic violence itself mean that the father can't see the children ... you really want to protect her credibility, you don't want her to be portrayed as being unreasonable. Judges have said this to me, 'why is she raising it now its because she is trying to resist contact isn't she?' And in fact she's actually been very reasonable and she didn't really want to expose the client to be this violent man but now she just feels he's being very unreasonable and she's concerned about her child's welfare. But you know what the judge is going to think. Oh right she's raising it now because she doesn't want to give him all that he's asked. (S2)

Issues of evidence building and women's credibility are critical to both the process and outcomes of contact disputes where domestic violence is a factor and require great insight, experience, and understanding of the issues for South Asian and African-Caribbean women on the part of all those legal professionals involved.

COURTS AND JUDGES

It depends very much on the judge and that's the feedback I hear from women all the time. The judge didn't seem to have a clue or the judge really did have a clue and understood. I think there was one time when the father's barrister was saying to the mother 'well if it was so bad why did you stay?' and the judge stopped them. He said 'no, we know why women stay. We're not pursuing that'. Cut the barrister off. (DV2)

Greater judicial training on domestic violence and risk was seen to be in place and most judges were considered to have undergone this. However, the experiences of women and the accounts of professionals revealed on-going issues in relation to the response of judges to South Asian and African-Caribbean women in contact cases where domestic violence is a factor.

Although things were seen to be changing, all legal professionals interviewed, as well as Cafcass staff and women themselves, reported that not all judges were sensitive to domestic violence – ‘some of them are much more on the ball about the situation than others’ (C-S2). Whilst judges were seen to require more awareness, older judges were especially seen to have a limited understanding of the dynamics of domestic violence:

There are still some generally older male judges who do seem to really not be able to accept that it's happening. They're not up to speed or this thing that was mentioned earlier about well it's historical, it's not an issue now as long as she doesn't have to see him ... so I think there's a lot more work to be done with the judges themselves. (C-G)

Newly qualifying and younger judges were generally considered to be better in their manner – ‘more user-friendly’. Differences were also reported between male and female judges. A lack of, or limited, understanding was reported to be reflected in the way that judges wrote their judgements:

This judge would not believe the amount of domestic violence this woman was going through and I could read it from page one the way ... the words that he was using (C-G).

However, it was also acknowledged that even though judges did not always find domestic violence credible they were still required to follow guidelines, though some judges were increasingly reported to be unhappy about the number of fact finding hearings being undertaken because they ‘clogged up’ the courts. The response of judges was seen to be shaped by that of Cafcass and a Cafcass officer stated that ‘the more robust our approach, the more they respond’ (C-S3). Different courts were also reported to differ greatly in the ways in which they dealt with domestic violence and contact – ‘They feel like completely different planets’ (C-G). A view that women ‘throw in domestic violence’ when they are not getting their own way was still seen to exist among the courts and judiciary by some Cafcass and legal respondents:

A perception that domestic violence can be part of the game women play, that if somebody isn't getting what they want out of the Court process they will up the ante by throwing in domestic violence. I've heard judges and solicitors saying things like 'she'll play the DV card', and that's a very difficult one because when somebody says that you just know that that's revealing a whole set of prejudices really and misunderstandings around domestic violence which are just so hard to unpick within a specific case. (C-S2)

In general, it was evident that judges differed in the ways that they handled domestic violence and contact cases and many were increasingly seen to be taking domestic violence more seriously. However, while many judges were reported to be more sympathetic to women, they still operated on a presumption of contact and explored every avenue in relation to contact, as noted earlier in the report. In relation to issues for South Asian and African-Caribbean families, there were contradictory views about the awareness of judges with some described as fairly aware of the issues for diverse communities while others reported that understanding of women's cultural contexts was still patchy among judges. Overall, however, despite greater awareness of both domestic violence and diversity issues in the family justice system, there were still very few cases where contact was not ordered and where the right to contact was not the driving force, albeit with an increased sensitivity shown to domestic violence issues:

These are just words often, they show a bit more understanding of domestic abuse but the results for women and children are still the same and contact is still awarded. So women are still left to manage that with an abusive partner. (DV2)

Women had mixed experiences with judges and the courts, ranging from those who had encountered judges who displayed a high level of insight and understanding into their situations to those who women felt had very little understanding. Judgements were generally seen to be dependent on individuals, with the majority of judges viewed as operating on the basis of a presumption of contact:

It varies from one judge to another ... like there was one judge we got and he just had no time to hear what his dad said, all he wanted to know was 'why have you still not done the drug and alcohol testing, until you've done that we're not even going to look at this. You'll get no contact'. Another judge she just seemed hell bent on father's rights. (AC7)

Some women viewed judges to be disconnected from their experiences and worlds. A few African-Caribbean women found them to be judgemental and one woman commented on a judge making critical comments of her choice to enter into a relationship and have children, as shown in the extract below:

It's awful. I am hoping to make a complaint actually because in her summing up the magistrate actually said basically for a woman of my age I should have known better than to have a child, not being married ... I shouldn't have gone into this relationship. I shouldn't have had a child with this man if that wasn't my ideal type of set up. I nearly cried when she said it in the court, I felt so embarrassed. (AC10)

It was clear from women's accounts that when in court, they felt they became the focus of proceedings rather than men and their violence. In responding without giving due consideration to the abuse experienced by women, and their on-going concerns, judges unwittingly colluded with men by making women the focus of their scrutiny:

He said basically along the lines that I'm very pleased with you ... I can't remember the exact words but it was along the lines that you've done what I've asked you to do and now I'm very pleased with you. So well done. It was along those lines. And you could see my ex husband and his solicitor, both of them ... when the judge told me off, sitting there smirking and I'm thinking you know it's all been about me. (SA25)

The power of the courts was, thus, seen to be misplaced and had the potential to undermine women as mothers whilst failing to address men's violence. A part of feeling they were not listened to, women felt that they were rendered powerless in their children's lives and left to the mercy of individual judges:

Until something like this happens you don't realise that actually you have no say over your own children. I thought that as a mum I make the call about what's best for my child. And it's not like that. ... What I'm not happy about is that I feel that the authorities have so much power in regards to taking power away from me as a mother ... But yet they can't make someone do drug and alcohol testing. They can't make someone turn up for Court. It just feels like they have a lot of power, but in the wrong places. (AC7)

Even in those few cases where children were reported to have told Cafcass officers they were scared of their fathers, this was disregarded by the courts. Many women found it difficult to understand why contact was so readily awarded to men when they showed no interest or regard for the children when being abusive and why women were placed under so much pressure to concede to contact when it was not in their children's best interests.

Contact is rushed

A number of professionals and women considered that judges rushed establishing contact without taking adequate account of women's concerns about their partner's behaviour, including men's drug activities and lack of interest and concern for the children. Women's requests for contact to take place in contact centres were also often not considered. In one case where contact was ordered quickly for eight hours, despite a woman's concerns about drugs, it soon transpired that the father was not looking after his young child during visits:

I started to get issues from day one, my daughter was coming back late and exhausted. He would not put her to bed during the day for a nap. She comes back hungry and as she was talking this time as well, she would be asking me for milk and I thought this is strange. (SA11)

In general, women reported that men eventually got what they wanted, although it took them

longer, and that the courts disregarded the effects on women and children:

How often does an abuser have to be an abuser before they will accept that he is an abuser ... they say it's not in his character. They don't know his character. It's only what's written on paper. I've lived with him. I know what a person he is ... the psychological effect it's had on my daughter who doesn't sleep in her bed now because she's too frightened. (AC9)

Women described being made to feel they caused delays in establishing contact as a result of their unwarranted concerns even though, in this case, the mother had ensured some contact had taken place informally:

The second time I went to Court I had just the worst experience I can think of. I was told by the Judge in no uncertain terms that ... bearing in mind that [daughter] was about eighteen months old at that time ... that he should have had access to her and had overnight stays with her from well over a year previously. But I had dragged my feet and made it difficult for the father ... Basically

he sort of had a go at me for not handing my daughter over sooner to him and for dragging my feet. But you know she was a tiny baby and I made sure he saw her at least every week, even for a couple of hours, two, three, four hours, supervised myself. And I'd done that so he could at least get access to his daughter. And then to be told that I'd been a naughty schoolgirl and made to feel really bad. (SA12)

Judges were reported to be reluctant to move from unsupervised or supported to supervised contact while the move from supervised to supported contact was done quickly. The move from day contact to overnight stays was seen to be especially rushed and something that women were left to manage even in the face of children's seeming reluctance to stay overnight:

She is able to say things like she doesn't want to stay, I don't want to go to [name of place], but I try to convince her and that's really hard because I know that she doesn't enjoy it and she enjoys the day visits more and that's why I was annoyed with the Cafcass officer as I thought she'd be happy with day visits but the overnight stay is actually the big issue and again for [daughter] that's what she'll say – 'I don't want to sleep there but I want to see everybody'. (SA4)

Despite their negative experiences with judges and the courts, women felt unable to challenge unprofessional conduct, fearing this would result in the case working out negatively for them:

If I was to have challenged everything that I felt should have been challenged, I think things could have gone really badly for me if I'd done that. And I feel that all the publicity they do about if you're not happy you can do this, it's just token. It's not real. You can't actually say that you're not happy. It's almost like you've got to be caressing people's egos and making them think they're doing a great job, when actually they're not. And it's really frustrating. (AC7)

Lack of understanding of South Asian women's situations

Over and over again, professionals working to support South Asian women talked about how rushing contact gave little time to women and children to recover from the trauma of violence and abuse. The impact of rushed contact was seen to be particularly negative for South Asian women as many of them needed time to recover from abuse and pressure placed on women by the extended family:

There's this kind of thing there's got to be immediate contact and actually I think that they need a break. They need a break because they've got too much on their plate. And I think particularly if you are from South Asian backgrounds where you're not just dealing with the individual emotional baggage, but with a whole family baggage and the pressures. And your own parents might be putting pressure on you. The rest of the family, the community, everybody's putting pressure ... So you need that break to be able to deal with that and deal with the kids and deal with being a single parent. (DV1)

Being on their own was often a new and challenging experience for many South Asian women, especially those who had been severely abused and isolated. Consequently, a high level of support was needed by these women who were particularly vulnerable to on-going pressures, something not always understood by professionals:

Women have never lived independent lives, they're not prepared psychologically to live independent lives and they present as really dependent and needy. I'm amazed at the numbers of professionals who say 'why is she so child like'. Well it's not surprising the woman's never lived an independent life. They go from father to husband and sometimes to sons without a break ... they don't conceive of themselves as having individuality and having a life and they have to cope with all of that. And so I sometimes think it's better where they can have a bit of break and get the support in place to be able to then deal with it. (DV2)

For South Asian women, it was suggested that establishing contact should not be rushed and consideration given to women's situations in relation to support and independence, especially in cases where women were extremely isolated and controlled:

They don't give enough consideration to those mothers ... there's a tendency to want to move on to normal contact as soon as possible, be it every other weekend, unsupervised, half the holidays, whatever. I think people rush that too much without giving regard to how sometimes these women who have never been out on their own before and never been empowered actually because of how the father and his family have treated them. And they suddenly expect them after one sort of contact session to be able to ride across town on public transport with little or no support from the father financially or practically. And I think that is something that disadvantages those women. (B4)

This was also the case for some African-Caribbean women who had experienced particularly extreme levels of violence from their partners. Women were not opposed to contact in the majority of cases, as already noted, but believed it was rushed when it was not in the children's best interests and eroded their emotional safety. They wanted contact to proceed slowly so that the developing relationship between children and fathers could be monitored and men's commitment to children assessed (and safety ensured).

The impacts on South Asian children of not only their experiences of domestic violence but also leaving their communities and families were seen to be poorly understood and, given the lack of support services, inadequately responded to. South Asian children's experiences were clearly complex, having implications for many aspects of their lives, including their sense of identity, sense of belonging in their communities and for their prospects of marriage. Given that conflict frequently involved families, this resulted in magnifying the sense of loss and conflict between their parents:

For those children being ripped out of the extended family home, to being cared for by a single parent in isolated situations is damaging to their welfare ... in the sense of identity. There is much more conflict for them and I think they are exposed to more conflict because usually the dispute within white communities is between the mother and father but for these children everyone's involved, you know extended family members on both sides, everybody. (B4)

The difficulties of balancing the safety of women and children with identity issues for both South Asian and African-Caribbean children were repeatedly highlighted:

I think children are placed in a very difficult position. Where they've witnessed violence and they've seen the father as an aggressor, you've got to tread very carefully before contact is reintroduced. At the same time obviously the father is part of their identity, their heritage and there's got to be some way of maintaining that link without jeopardising the safety. But I think at the end of the day

their loyalty will always be with the resident parent. And if the case is such that the father has got no remorse, no insight into what he's done, takes no steps to change, then clearly it can't be in the interest of the children for contact to be reinstated. (S1)

Decisions regarding contact were frequently seen to prioritise identity issues over safety. Professionals often lacked insight and confidence in challenging arguments of culture and identity. Those with understanding about the ways that men used contact and children to undermine women noted the difficulties and contradictions of this for children. Identity issues were taken seriously by judges when making decisions about the best interests of the child in BME cases. It was also an argument that was commonly used by men in cases where women had left the community or the context of the extended family to argue that contact with extended family was an important part of their identity and heritage. However, achieving a balance in ensuring both creates clear contradictions and if not dealt with appropriately it can result in greater danger for women and children.

Serious domestic violence seen as physical violence

A key issue in the courts approach to domestic violence is the way that domestic violence is defined. It was evident that there was an over-riding emphasis placed on physical violence which was seen as 'serious' violence. It was clear that the courts still viewed physical forms of abuse as more serious than non-physical abuse, despite research showing it to be otherwise. Serious domestic violence also tended to be defined on the basis of severity and frequency of attack:

It seems to be on the level of violence, on the seriousness of the attack and the frequency of the attack, physical violence. Where there is say mental abuse I think it's harder to persuade a judge that that can be as damaging. In fact sometimes it's more damaging to the children I think if you've got a man that's sort of manipulative in his abuse, sometimes I think that can be more damaging for the children if they're having contact. But it takes more to persuade the judge where there's been mental abuse rather than physical ... yes I would say if there's serious injury then they tend to take more notice of it really. (S6)

Although most of the interviewees acknowledged that domestic violence was not just physical abuse, this seemed to conflict with the evidence that was then looked at in court, also confirmed by women who said only physical violence was considered. Moreover, when asked about the circumstances in which they would rule against contact, judges found it difficult to respond:

Q – So under what circumstances where there has been domestic violence would you not allow child contact to take place in relation to the two groups?

A – Oh that's a tough one isn't it. It is a very very difficult one. Well first of all safety pre-eminently to the wife and child but then it's all about what the child's needs are in terms of a realistic knowledge of the other parent. And if they've had a relationship with that other parent, there might be positives and negatives in it and bad experiences in it, but they still might need to have an ongoing relationship. So it does become a very difficult equation. How bad would it have to be? ... but how bad does it have to be? I don't know, every family's different isn't it? (J)

In not considering the full range of domestic violence when making decisions about contact, the courts continued to place women under pressure to 'prove' abuse. Women's experiences clearly reveal that domestic violence can be extreme and have debilitating effects without it being physical. The enduring view of women using domestic violence to turn children against fathers left them with the belief that the range of violence to which they had been subjected was not taken into account by the courts when making decisions about contact.

Emphasis on the rights of fathers

Several of the non-legal respondents considered the courts to place a greater emphasis on the rights of fathers at the expense of women and children. The courts were also reported to pay insufficient attention to women's safety and cases were cited where women's addresses had been disclosed resulting in their ex-partners harassing them in their new homes. Some judges were considered to get decisions wrong, as the following example illustrates:

The children that were abducted were given residency order with dad and the child then spoke out in court, she was six years old or seven. There was a big uproar in the courts when they actually gave the order, the child in front of the judge would not leave the mother and then the judge had to overturn his decision because he saw the distress that it had caused the child. The child had actually become an elected mute. She refused to speak and as a result of the distress that day she actually spoke out and she was really distressed through her tears. I think the judge acknowledged her tears more than anything. (FSW)

Domestic violence professionals reported that this was most likely to happen in cases where men were professionals, where women had language barriers and where judges were reported to collude with the arguments used by such men against women:

The father was an educated high calibre like sort of person in the community, he had a high class job, he was a professional, he had a good foundation. He was the provider which was one of the things he kept drilling to the judge – 'My wife hasn't contributed apart from giving birth. She's been a housewife'. And I think that's been used a lot really against Asian women. (DV5)

In such cases, men had often denied women the right to work or learn English as part of their abuse and then later used this against women in court, something inadequately understood by the family courts:

They'd aimed for them not to be working and for them not to have a job and so they had taken that right away. Unfortunately for the woman that's seen as a disadvantage in the eyes of law, so when a woman's been stood there and asked to justify why she hasn't learnt English, why she hasn't integrated, why she's isolated ... those questions are asked in court. Why have you been here for three years and you still don't know how to speak English. Why are you not going to the local centres? How can you communicate with the school if you don't speak English? (FSW)

For women, there was an inevitability about the contact process which almost always resulted in contact being awarded to men. This, alongside the fear of going to court, led women to resolve contact informally and their key reasons for entering the formal arena were to have contact observed or regulated to minimise men's continuing abuse. However, this did little to reduce the fear and anxiety created for women and children, especially as men tended to behave during supervised contact:

There is a kind of inevitability. So I think there's a real gap there around the kind of fixed term supervised contact finishing and the assumption that that can then go to unsupervised contact. Just because while he's being watched he hasn't done anything. (DV2)

Lengthy process

All of those interviewed talked about the length of legal processes having a negative impact on women and children. In part, this was seen to result from the courts being extremely busy, and the lack of supervised contact centres caused further delays in the process when contact was gradually introduced. Since interim contact was rarely awarded, women often had to wait four to six months for the process to move from application to a fact finding hearing; it could take six weeks to two months from application to first hearing, when domestic violence is raised. Although courts in one of the research sites were trying to respond more quickly, this had not yet been achieved, and longer delays were reported in London courts. The length of the process was considered a strain on legal professionals and to be even worse for women.

Lengthy contact disputes placed additional pressures on South Asian women, especially where paternal family members turned up in court and particularly where women were not supported by any services. Women reported contact taking anything from 4 months to almost a year to resolve where contact was ordered to take place in a contact centre (longer for women who were seeking contact). Throughout this process, men were able to build up contact gradually. Those women who wanted contact to be formalised and observed saw the court process as *'very long and drawn out'* but necessary to ensure the safety of their children:

It's tiring having to go over the same things time after time. It's tiring having to be back and forth there all the time when I've got so much other things going on in my persona life but at the same time if that's what's got to be done for them to realise what he's like and for both me and my children to be safe, well that's what's got to be done. (AC4)

However, once in court, women reported that the court hearings were rushed because of the limits of court times. In general, women *'felt very belittled, very diminished, not really listened to'* (SA26). Where women had no formal support at court they described the process as *'nerve racking'*. For some women, contact proceedings prolonged the experience of abuse and a number were scared of facing men in court. While it was often extremely hard for women to face their partners in court, it was even harder if there were other family members present.

The disconnection between criminal and civil law for women was highlighted by many interviewees from Cafcass, contact centres and domestic violence services, who reported that, although this was improving in some areas, it was still a major source of concern in relation to contact proceedings:

Sometimes they get caught out badly, that he's made an application for contact OK, but nobody's cottoned on that he's just appeared over the road in the crown court or the magistrate's court for assault. (C-S1)

Counter-allegations – competing narratives

Men commonly used a number of allegations against women to fight for residence and contact. Amongst those mentioned were allegations of neglect of children; being obstructive about contact; having mental health issues; and allegations of extra marital affairs. To prevent shame in the community, many South Asian men and their families made allegations of extra-marital affairs against women, something not fully understood by the courts and which led to unnecessary delays in the court process:

It's visible within the community that the woman and children have disappeared. And very often what they resort to doing is making allegations of conduct against the mother in order to redeem their own shame. And that again is an interesting and different feature of these cases. So they will say she's had an extra-marital relationship and they'll say that at Court and they will say that she has mental health problems. And both those things sometimes lead to the Court making investigations about those aspects and unnecessarily ordering reports where they've absolutely no grounds or justification for it. But the Court sometimes don't understand why those allegations are made. And I think perhaps the judiciary needs a bit more training around those matters. (B4)

Allegations of mental health problems require a greater insight and understanding of the dynamics of domestic violence within particular communities on the part of judges and again cause delays:

It's a common allegation and very often the mothers have gone through the cycle of abuse by him, turning it into depression which then has impacted on their ability to care. So when you're case managing you need to unravel each of those issues and really you'd be hoping that the mother has got proper medical advice and that there is a decent medical report setting out well this is reactive depression and otherwise she's fit to look after her children. (J)

Professionals considered that a process was in place to deal with unfounded allegations by men and families through the investigations carried out by Cafcass. However, if the presumption of contact is the starting point and negative constructions of women are reported to be high among key professionals involved in the process then it is clear that this does not always work in practice.

Language issues / use of interpreters

Language barriers and their impact on the contact process, including court proceedings, was one of the main issues identified for South Asian women by all interviewees. This was seen to be addressed unsatisfactorily. The issue of interpreters was raised by almost all of those interviewed. Although attempts were made to ensure women had access to appropriate interpreters, a number of issues were highlighted.

The use of interpreters was reported to be limited for the first appointment (under first level of public funding) and led to family members being used rather than independent interpreters. This can create problems for women if solicitors failed to properly vet the family members who may exert pressure on women. Women often lacked choice in which interpreters were used and if male interpreters were used this could make it harder for women to speak openly about the nature of intimate abuse. This served to obstruct their access to full legal advice and justice.

They don't necessarily feel they've got a choice in that they turn up at Court and there's an interpreter that's provided and if it's a male interpreter that can cause all sorts of difficulties for them in terms of the nature of the subject matter ... interpreters are not necessarily very good at interpreting exactly what's being said either by me or the client. So you're never quite sure if you're having a proper conversation or if the interpreter's putting their own slant on it. Now if you've got a solicitor that's with you that happens to speak the client's language, clearly that helps because they're keyed into knowing exactly what's being said. (B1)

Inadequately trained interpreters who either take on role of advising women or mediating what women say was a further difficulty commonly encountered by legal professionals. As already noted, hearings take longer and create great strain for women and for professionals. Moreover, translation results in the loss of the nuances of evidence and inadequately conveys the experiences and effects of domestic violence, thus making it harder to build up the credibility of a woman. However, barriers created by language could be neutralised if solicitors or barristers were able to speak and/or understand the languages spoken by women. Women were also reported to feel positively if their counsel could speak their language:

If I'm in Court and there's an interpreter giving evidence and I feel that something hasn't been interpreted then I usually sort of step in and say could you interpret that again (B4).

SUMMARY

Although legal professionals stressed the importance of assessing each case, in the main, contact was considered desirable and the right of fathers to contact remains a strong underlying principle. Only a minority of respondents thought that the benefits of contact for children were exaggerated and that the view that men's motive for contact was always their interest in the child needed to be questioned. None of the professionals interviewed could provide examples of cases in the last ten years where contact – even if it was indirect – had not been ordered. The additional issues faced by South Asian women such as the history of abuse, the undermining of the mother, involvement of wider family members, arguments about maintaining the cultural identity of children, and women's marginal position within the family were reported to be either inadequately understood or poorly taken into account in decisions about contact. The need was underlined for greater support for women to ensure that the wider family did not attempt to deal with things outside of the court's orders and so compromise women and children's safety.

The solicitors and barristers interviewed raised a number of issues with implications for women and children involved in contact disputes. As many experienced solicitors and barristers face pressures not to do publicly funded work, inexperienced solicitors are left to deal with domestic violence. This was seen to provide a poorer service for women and restrict their choices, with greater implication for the cases of South Asian women which tend to be more complex and where greater knowledge and expertise is required from legal professionals. Solicitors frequently had difficulties balancing women's expectations with the legal process that had to be followed, with women's over-reliance on legal professionals creating further pressures. Limited knowledge of the legal system, resulting in African-Caribbean and South Asian women's frequent distrust of the legal process, was seen to lead to women not being fully open about their experiences with legal professionals until they had built up a relationship of trust, something that required time on the part of professionals.

Although women's first statements are a vital element in building up evidence and to ensuring their credibility in court, pressures on solicitors' time, coupled with the complex cases typical of South Asian women, led to insufficient preparation of these. Inadequate preparation, coupled with issues of disclosure and memory, can lead to a loss of women's credibility in court. The legal professionals interviewed regarded evidence building as the single most important issue requiring greater attention, sensitivity and insight into South Asian women's experiences, something they were not always afforded.

Although it was recognised by all interviewees that the effects of psychological abuse could often be worse for women and children, in deciding on 'relevant' facts, it was evident that a much greater focus was given to physical violence than to patterns of coercive control or other non-physical forms. Although corroborative evidence was not considered crucial, given fact finding hearings, in practice it was seen to be harder for women who did not have such evidence as it placed greater pressure on women in court, where establishing a true picture and credibility through interpreters was reported to be difficult.

Although greater judicial training on domestic violence and risk was seen to be in place, the experiences of women and the accounts of some professionals revealed on-going issues in relation to the response of judges. There were contradictory views about judges' awareness of issues for African-Caribbean and South Asian families – some reported that judges were fairly aware of the issues for diverse communities whilst others said that understanding of women's cultural contexts was still patchy.

A greater emphasis was reported to be placed on physical violence when considering 'serious' domestic violence (defined on the basis of severity and frequency of attack) than non-physical abuse, despite research showing it to be otherwise. Several of the non-legal respondents believed that the courts placed a greater emphasis on the rights of fathers at the expense of the safety of women and children. In some South Asian cases, 'professional' men gained sympathy from judges when arguing women lacked language skills and could give little input to children. Where women had positive experiences with judges, this included cases where there had been continuity in judges, where judges had been insightful about their issues, and where they had been less accepting of men's evidence.

Lengthy contact processes were seen to result from extremely busy courts and a lack of supervised contact centres when contact was gradually introduced. All of those interviewed talked about the length of the processes having a negative impact on women and children especially as this prolonged the time during which wider family members could exert pressure on women. Moreover, pressure on the courts' time led many respondents to believe that judges were often too quick to establish contact, without taking adequate account of women's concerns about men's behaviour. Rushing contact often betrayed a lack of understanding of South Asian women's situations as it gave little time to women and children to recover from the trauma of abuse as well as from the wider pressures placed on women by extended families.

Decisions regarding contact were frequently seen to prioritise cultural identity issues for children over the safety of women and children, especially where these arguments were raised by men and where professionals lacked the necessary insight and confidence to challenge arguments of culture and identity.

All of the interviewees identified the impact of language barriers on the contact process, including court proceedings, as one of the main issues for South Asian women. The present use of interpreters was seen to be unsatisfactory and many examples provided of this.

SECTION 9: WOMEN'S EXPERIENCES OF CONTACT CENTRES

Seven contact centres were consulted in the two research sites, which included two supervised and five supported centres. Discussions were held with co-ordinators in all centres, with staff and volunteers in four centres, and a senior professional from the National Association of Contact Centres (NACC). Time was also spent on repeated Saturdays in three supported centres to get a sense of how they operated and to identify women for interviews. Although the purpose of this was not to scrutinise the operation of centres, it provided valuable insight into the ways they functioned and the issues that arise in the process of providing a service for families where domestic violence is a factor. This section draws on discussions and interviews with women and other professionals to highlight the issues that created concern and have implications for strengthening responses to women and children.

Contact centres, supervised and supported, provide an important service for families involved in contact disputes. Research has consistently highlighted this crucial role, inadequacies in existing provision, and some unsafe practice in responding to families affected by domestic violence (Aris and Harrison, 2007; Hester and Radford, 1996). As a means of addressing these concerns, considerable development work has been undertaken in recent years by Cafcass and NACC around risk and dangerousness and to address the informality that was previously inherent in the operation of contact centres. However, despite the development of national standards and protocols for supervised contact and an accreditation system for contact centres, concern continues to be raised about the unsafe practices of many service providers. Cuts in funding for contact assessments pose further risks to ensuring safety for women and children in contact cases where there is a history of domestic violence.

LIMITED PROVISION

We struggle to find places full stop. We struggle to find places that have multi-cultural workers, any awareness of the needs of families, and that have interpreters. (C-G)

Although Cafcass policy states that the absence of supervised centres/facilities⁹ should not result in moving domestic violence cases down to supported centres, this was reported not to be happening in practice. The lack of provision in general and supervised centres in particular was repeatedly raised by all interviewees who highlighted their struggles to find places that were sensitive to domestic violence and to diversity issues. Not only was existing provision considered to be limited and varied in the quality of practice but the opening times of centres were reported to be a major problem, with many tending to operate only on Saturdays. Thus, at a time when Cafcass is placing greater emphasis on safeguarding, generating the need for more services/interventions for men to assess their commitment to children or to changing, contact services are contracting or becoming so overloaded that they are turning away referrals or operating long waiting lists. This issue of resources not matching need was repeatedly raised by all those interviewed and was seen to result in women and children being placed in extremely unsafe situations.

⁹ To address the ad hoc provision of supervised centres, Cafcass was reported to have secured funding from DCSF to build up this provision around the country to ensure regional fairness.

Most contact centres offer six or 12 sessions for fathers; this was seen as insufficient by many, and it was widely recognised that many men go on 'best behaviour' for that short time – *'they just have to behave themselves in six sessions or twelve sessions'*. This approach – including a defined number of sessions and an exit plan – was regarded as too rigid and to have insufficient criteria in place for men to have contact outside of centres. This approach was also seen to reduce safety later when no or little follow up is done to monitor how contact is proceeding and where the onus is placed on women to bring the case back to court.

VARIATIONS IN PRACTICE AND TRAINING

Overall, the practice between supervised and supported centres varied greatly as can be expected. While funding issues remained the key challenges for supervised centres, feedback about their practice in relation to domestic violence from women using their services suggests that they had given great attention to the safety of women and children. Staff were reported to show a high level of understanding about the dynamics of domestic violence and an insight into perpetrators' behaviour, whilst recognising the limitations of their own role in assessing the relationship between children and fathers in a defined number of sessions. A minority of those specifically set up to primarily meet the needs of BME groups expressed strong views about the ways in which men, especially African-Caribbean men, were negatively constructed in the contact arena and regarded their provision as offering a sensitive service.

Supported centres varied considerably in their practice, with those having undergone the accreditation process with NACC¹⁰ showing great developments in recent years, though some of those consulted reported they still had issues to address. It was evident that the larger centres, with high levels of referrals, continued to be challenged in ensuring a safe service that was sensitive to issues of domestic violence and to equality and diversity. Facilities also tended to differ greatly, with a minority of centres being able to offer a space conducive to fathers and children spending quality time together where contact could be properly monitored and safety for women ensured through the provision of separate areas. Others were restricted by the buildings they were housed in, tended to be over crowded, with volunteer staff struggling to properly monitor all the families, and where it was difficult for women to avoid their partners, despite the best of efforts by staff.

Training of volunteer staff was also patchy, with many having received little or no training on domestic violence. In some centres, the lack of training was reflected in worrying assumptions about women using domestic violence to obstruct men from having contact with their children. While a number of the centres had volunteers from diverse backgrounds, it was evident that many of them struggled with language issues and were unable to properly monitor interaction and exchanges between men and women and between men and children, as discussed below. Since most of the staff at supported centres tended to be volunteers, co-ordinators reported the difficulty of making additional demands on their time. The development of a systematic approach to training on domestic violence and the development of internal procedures for feedback/updating of information between co-ordinators and volunteers would, however, greatly improve the service offered to families.

¹⁰ NACC accessed at <http://www.nacc.org.uk/home> – In 2008 over 15,000 children used NACCC child contact centres, over half of which were under six years old, and 12,000 families attended 50,000 sessions.

HIGH NUMBERS OF (INAPPROPRIATE) REFERRALS

As a result of the lack of supervised provision, referrals involving domestic violence continued to be made and accepted by many supported contact centres. Given this paucity in services, it was reported that solicitors, Cafcass and judges had few options but to refer families, though inappropriate decisions by the courts were highlighted repeatedly, as the following example shows:

The court made this order for them to go to meet at this supported centre. The coordinator actually questioned it because when it came through it indicated that dad had just been in prison for six years. So he'd last seen that kid presumably when the child was three. Now when they then asked why he'd been in prison they were told that it was for an offence of rape of a minor. The court knew all of that but proceeded to make a court order for contact to take place in a supported contact centre with a chap who is a clear threat to children and had just completed a very substantial prison sentence. (CC)

In making referrals to supported centres, Cafcass staff rely heavily on them to consider the risks identified and to act accordingly, with very little follow up work undertaken by Cafcass to ensure this is happening in a way that ensures safety. Some even stated that families were often 'dumped' on supported centres – 'a lot of contact centre staff have said 'you put them here and then we don't hear from anybody again' (C-S3). Other professionals' expectations of supported centres were considered by contact centres to differ from what they were set up to do. There was an expectation for them to deal with very complex cases, sometimes involving high levels of risk, a role in which contact centre staff required greater input from Cafcass, without necessarily receiving it:

The contact centre staff are hungry for information from us for advice, support. They'll ask you questions about other families that are there that you're not dealing with. So I think contact centre staff probably say that they need more from us. (C-S4)

The issue of inappropriate referrals was identified by NACC through a survey of the families being referred to supported centres and the problems this was raising. The findings of the survey revealed that a high number of contact centres (two-thirds) offered places to families where there was domestic violence and consequently experienced problems in many of these cases. As a result of these findings, NACC planned to set up a multi-agency consultation and planning group to review the referral process into supported contact centres. Inappropriate referrals to centres without expertise or insight into domestic violence were viewed as a risk for families requiring high levels of safety. Despite this, many supported centres were continuing to take such referrals and reinforce unsafe practices as they did not want to turn families away. Indeed, some professionals were concerned whether supported centres should be utilised at all in cases of domestic violence where there was friction between parents and where volunteers were left to manage violent men. Clearly, in cases of BME families this situation can be further compounded.

Volunteer staff in some supported centres were also observably reluctant to get involved with families where there were intractable disputes for fear of being asked to appear in court, leading many to emphasise their facilitative and neutral role in supporting families and not to avoid forming judgements. To this end, they did not write reports but recorded attendance and observed contact while screening of cases was carried out by centre co-ordinators who had to undergo training for this task. Due to time pressures, there was an observable lack of, or limited, information exchange between co-ordinators and volunteers in many centres. Centres were generally considered by many professionals to take a limited

view of families and to only see them in the context of the centre rather than place them within a wider context, necessary in situations of domestic violence.

Consequently, whilst NACC has provided stringent guidance to contact centres regarding how to manage cases, encouraged staff training in domestic violence (part of the accreditation process) and recommended that independent interpreters be used in cases where English is a second language, it was acknowledged that more development work was still needed. In general, lack of awareness was identified as an issue for centre staff, with some struggling to adopt risk assessment and screening procedures and getting *'their staff to accept and use those procedures in a planned and coordinated way'* (NACC). Other professionals also raised concerns about the attitude of some staff running supported contact centres, finding this to be judgemental and often biased against women. The lack of co-ordination, co-operation and information exchange between the various agencies involved was seen to further compound these issues.

LANGUAGE

Contact centres were reported to be working with an increasing number of BME families, many of whom also needed language support, making this a big issue for centres, especially as they often had no recourse to interpreting services. Despite guidance from NACC to use independent interpreters, it was evident that many centres struggled. A key aspect of how this played out in practice was reports from centre staff and allegations by women that men used their own language before and during contact visits to make threats to women and place pressure on children. Thus, South Asian women commonly reported men undermining women in the presence of children or manipulating children in their own language so that it could not be picked up or understood by contact centre staff:

When nobody was around he used to make remarks, swear at me in Asian, which [son] was picking a lot of things up and he used to come home and he'll say to my mum 'what does this mean?' And my mum ... used to look at me and I go 'mum he was like using those words there'. (SA20)

Staff reported that all they could do in these situations was insist that English be used, something that could not be properly monitored, but which had important implications for women's safety. Having interpreters available in contact centres can create important opportunities for intervention, as the following highlights:

We were made aware of a case where the presence of an interpreter at the centre resulted in contact being stopped because the father was telling the children he was going to kill their mother. What had actually happened was that it had started off in a supervised centre, they hadn't bothered with an interpreter and referred it on to the supported centre thinking that everything was alright ... They couldn't understand why the children were getting very upset and disturbed and they had some interpreter on another matter who listened in and they found out what was going on. Now we can't be sure but we suspect that there's quite a lot of that kind of thing going on (CC).

LACK OF CULTURAL AWARENESS

Despite high numbers of South Asian families reported to be using supported centres, the lack of awareness about the ways in which South Asian families are structured or function, was considered to create a 'double jeopardy'. While some of the contact centres visited had a few staff who showed awareness of domestic violence and issues for BME families, it was more usual for staff to have one or the other. Even where domestic violence training was made available to staff, equality and diversity issues were seen to be inadequately covered. This has clear implications for the experiences of South Asian and African-Caribbean women and children and is an obvious gap that requires attention.

Indeed, contact centre staff were reported by South Asian and African-Caribbean women to be ill-equipped to deal with their issues. They reported bad practice and a lack of professionalism among some staff, including failing to maintain a professional demeanour when men knew volunteers in centres from their own professional life. However, where women raised issues they reported being viewed as a problem and some were threatened with the police. In particular, several staff did not fully take on board South Asian and African-Caribbean women's fears of abduction. Sometimes these fears were not unfounded as, in some cases, centre staff allowed men to take children out of the centre when they were prohibited from doing so. As noted above, the supervised centres consulted had considerably more insight into the cultural context of families and had attempted to be sensitive in their provision, the challenges they faced were primarily in relation to funding.

SAFETY

It's all very well having the awareness of these issues [in court], but if there aren't the facilities to provide, whether it's supported contact to protect the mother or therapeutic agencies to change the father's behaviour, it's like a lot of these things if the resources aren't there it's not necessarily going to make a practical difference. (C-S4)

The options available for contact and considered by the courts are powerfully shaped by existing facilities. To this end, the lack of supervised contact centres was cited by the majority of those interviewed and there was recognition that the risk of contact in supported centres had to be carefully assessed. However, while safety appeared to be a consideration for the courts and legal professionals in making contact orders, indicating that some attention is being given to these issues, the ways in which this played out in practice did not always safeguard safety for women and children.

Positive changes in the legal/court process have to be associated with the provision of other support services, such as appropriate contact centres and therapeutic services. Although there is greater provision of supported contact centres than in the past, these were seen to be too few and under-resourced. Therapeutic services were seen to be altogether too scarce. There was a strong view amongst those who had been involved in the contact field for many years that the reluctance to say no to contact on the part of the courts resulted in a lack of consideration being given to safety and risk. This, in turn, resulted in contact being forced too quickly, which contact centres were then left to manage. Contact centres themselves were widely reported to be still struggling with their ability to identify risk and share this information with other agencies:

They say that we're working with these really difficult families, how do we manage the information, what do we record, where do we record it, who do we disclose it to, all of those things are pertinent issues around safety and safeguarding ... if you've got a dad pumping a child for information about a mum, do you report that? And if it's in a different language do you even hear it. (C-S2)

In relation to the dynamics of contact and post-separation violence, some supported centres were reported to be struggling to pick up and respond to this issue, without labelling women as being obstructive of contact:

A lot of centres are dealing with families where the father has applied for contact more because he wants to stay in control of the mother than he wants to see the kids ... Again I'm not always sure that they tune into that fully ... Because the woman will often come because the contact centre is the lesser of two evils and if they don't come there they're going to have him round on the doorstep or worse. (N)

Women and other professionals highlighted the fact that there was limited or no monitoring after contact had been ordered by the courts, especially in supported centres. Numerous instances where women had been followed from contact centres by men were recounted and because of this the need to monitor what happens outside of contact centres before and after contact was emphasised by many interviewees.

The use of family members in contact arrangements was mentioned by a number of professional interviewees, who reported that this had to be carefully assessed by Cafcass but the fact that it could place women in a difficult position was often not considered. Thus, while safety issues for women were considered to be dealt with by having contact in centres or having relatives involved in dropping off and picking up children, the experiences of women in centres were not taken on board. The fact that by involving family members pressure on women could be increased, or that some women may not even have that option if they have no family in the UK, was overlooked.

Indeed, conflict during handovers was commonly experienced and reported by women and emerged as a major safety issue for women and something that also impacted on the welfare of children. However, it was the view of many legal professionals that sufficient protective measures were put in place when contact was ordered to deal with any eventualities, though the difficulty of policing it was acknowledged. For some women, this resulted in having to face their abusers every week even though it had been stipulated in the contact order that there should be no contact between them during handover, which compromised their safety, but something that was not taken on board by any professionals:

Every week he's standing in front of my ... even though that's the only time we ever get to meet, but he's always standing in front of me and I keep on telling them don't let him inside. And I kept on telling Cafcass and the contact centre don't let him in but he was let in all the time ... And that week ... he was standing by my table and I told them why has he been let inside. And it was like 'Oh there's such a big rush of people we can't always see what's happening'. But that leaves me in a terrible situation because then as soon as he sees me he starts getting abusive. (SA1)

Adequate monitoring of handovers was limited and considered difficult to achieve by centre staff, especially as men were very skilled at harassing and threatening women including through the use of their own language. Moreover, the impact on children of such harassment can be difficult to assess if children are not properly consulted or feel free to raise issues. In such situations, the onus is often on

women to raise these issues and take them back to court, a wearing process on their emotional health, and a process in which they can be readily viewed as being obstructive rather than protective.

WOMEN WANT SUPERVISED CONTACT BUT SHORTAGE OF CONTACT CENTRES

On the whole they want supervised contact because of the behaviour of the father. (DV1)

Over and over again, both South Asian and African-Caribbean women and professionals who support them, as already noted, voiced that women were not opposed to contact but wanted this to happen in supervised settings so that contact could be properly monitored and where they did not have to directly deal with their partners. Indeed, safety was a major concern for women wanting supervised contact without which they felt vulnerable to men:

It means I am protected that I don't have to face his dad to make arrangements between us because I know we will get in an argument. So this works out better for [son] because he doesn't have to see any of that. (AC10)

Since the fear of abduction was widespread among both groups of women, knowing their children could not be abducted was a major reason for women wanting supervised contact. Supervised contact was not only seen to be better for safety but had the potential to highlight the failings of men as fathers:

The father thinks having contact with the child is just, you know, sitting somewhere on his mobile phone while the child's sitting there munching on French fries or a bean burger or whatever it is, instead of engaging with the child. I think that's great because that's all in the supervisory notes. And that can help to reinforce what women are saying. (DV1)

A further positive aspect for women of using contact centres was the impartial environment, without interference from family members. Where supervised contact was ordered, problems were frequently encountered in finding centres, or women were reported to have to wait a long time for places to come up or they had to go outside the area – *'they're often full, they struggle to find a place'* (S7). In such situations, men's solicitors were reported to place great pressure on women to agree to supported contact. Almost all of the interviewees – professionals and women – identified the need for more supervised contact centres to be made available for contact where there is a history of domestic violence.

WOMEN BEAR BURDEN OF CONTACT ARRANGEMENTS AND OF PICK UP AND DROP OFF

Women repeatedly talked about being left with the responsibility to make contact arrangements work, a burden they felt expected to carry, even if it exposed them to further abuse, something not understood by professionals. In the face of this responsibility, women generally felt that men should be required to put more effort into their time with children:

I personally feel that the contact should have been a little bit more structured ... I think he needs to work on the relationship, he should spend time making it enjoyable for her. He takes her out of the contact centre and he just goes to his sisters and he goes to his mum so I am not sure how much of that time is centred on her. (AC9)

Whilst carrying the responsibility to make arrangements work, they also resented that men often used contact to 'play control games'. Women especially bore the burden for dropping off and picking up children, something that compromised their safety and was often a financial burden. Pick up and drop off was especially difficult where women had to travel long distances to access contact centres. The vulnerability of some South Asian women, previously disempowered, was seen to be enhanced when they were left, in the absence of supportive family members or friends, to make their own way to drop off and pick up children for contact. These were considered to be 'added pressures' for such women:

Her own inexperience in independence and travelling alone or having anyone to accompany her ... so the journeys to and from the contact centre are also I think particularly difficult for women in those circumstances because they're not socially empowered. (B4)

At times, the courts were regarded not to give any consideration to where children were residing when making contact orders and in some cases women found themselves having to travel long distances over many months. As a result of these strains, women were reported to sometimes return to abusive partners when the courts decided in favour of contact:

Sometimes when they are going through the courts and it's not in favour of the mum and it's in favour of the dad you find that some will go back to the perpetrator for the sake of the children. Just give up because they just can't handle it any more. (FSW)

It was felt necessary for contact centres to be near women as weekly contact could be disruptive, especially for working women who found it hard to maintain contact in a centre every weekend alongside carrying full financial responsibility for the care of their children. Women often also had to balance contact arrangements with other commitments, especially if they had other children with different fathers.

MEN NOT SPENDING QUALITY TIME WITH CHILDREN DURING CONTACT VISITS

The mother in law's looking after the child ... they use the extended family network as a way of getting contact and then dealing with the problem while they galloway and do whatever. And I just think that the way the extended family network is used is great ... but it is also used to shore up these non-sensical ideas about how women are outside their culture and community and therefore they're in the best place. And actually they're not best placed because they don't bother, it's their mothers who do it. (DV2)

Women repeatedly stated that men took little or no interest in children before separation and thus could not understand why children were pressurised into contact with men who had previously shown little interest in being fathers. As the above quote highlights, South Asian women repeatedly reported that men did not look after the children during contact visits, leaving the caring to be done by their mothers. In some cases, men fought for contact for the sake of their parents, rather than having a commitment

to children themselves and during weekend contact, were reported to leave the children in the care of grandparents rather than spend quality time with them:

When she was going there, she would come back to me and say mummy grandmother takes me to the temple and leaves me there all day. I get bored. (SA3)

For these reasons, among others, women feared outside contact because either men were not looking after children or feared they would not return them:

Supervised is ok but now he takes them for four hours and he takes them out and it is a bit scary for me ... when I hand them over I think will he bring them back or is he going to take them to his house and are there going to be other guys there and is he going to be drinking again? I don't know. (SA8)

In cases of African-Caribbean fathers, women's concerns around children being left alone with men were often around their inability to look after them or because they were exposed to inappropriate things like smoking or drugs. Where men had alcohol issues and drove to take children for contact visits, women were left extremely anxious about this.

Men not turning up for contact sessions

In addition to women's fears that men were failing to spend quality time or look after children, they described cases of men who did not always turn up for contact sessions, leaving children upset and let down, something women had to deal with, as reflected in the following where a woman travelled for two hours with young children:

They were crying, they were excited and then they were crying. They were constantly asking where he is. One day he didn't turn up at all. We waited an hour in the contact centre but he didn't show up. (SA8)

In one case, when a man failed to attend sessions in a supervised centre this resulted in unsupervised contact being ordered, which compromised a woman's safety and maintained his unreliability. Even where men failed to turn up to contact visits and flouted arrangements made by the courts they often blamed women for failing to adhere to contact, but in fact used this as an excuse to exit the formal process, especially when judges ordered parental or psychological assessments. This was especially so in some African-Caribbean cases.

MEN 'PLAY DEVOTED DADS' WITH PROFESSIONALS BUT PLAY GAMES WITH WOMEN

Whereas men were described as disinterested in their children before separation by women, when they engaged with professionals they repeatedly painted a totally different picture of themselves. As much of the foregoing shows, a range of professionals were widely reported to regard men in a positive light based on men's representation of themselves and not take sufficient account of women's knowledge of men's behaviour and their experiences with them:

My husband came along with some sort of suitcase full of toys and stuff. I knew instantly, because I've lived with him, so I've known for a few years what he's really like. I think in a way she felt, 'Oh yeah he's a lovely father'. I thought wait a minute. I know. I've lived with him. The last few years he just hasn't supported the children ... I had to give my money to him ... But she was overwhelmed ... She kept saying 'well come on Mrs ... you have to give your husband a hand'. I thought why should I have to ask my children to go towards him when they are already fearing him anyway. I know that he's their father. I'm not disputing that. I've already said I don't have any objection for him to see the children. (SA19)

Whilst men could be convincing in professional's eyes, their game playing was seen to have a huge impact on children. When being assessed, as already noted, men were reported by women and numerous professionals to go on their best behaviour during supervised sessions. This was also confusing for children:

Like coming here [supported centre] he takes the toys back. But when he's there [supervised centre] he gives her nice toys. And he leaves them for her. Now she's started asking me the first time that I went there ... why isn't he taking the things back now mum. He's giving me now. He's nice. When we started coming here he started taking them. She goes why is he doing that here? (SA18)

Women were especially disadvantaged and men more convincing when men were professionals and knew the system. Along with playing 'devoted dads' with professionals, men were reported by a significant majority of the women using contact centres to use contact to continue to play games with them to show they were still in control. In addition to this, men were reported by women and domestic violence professionals to use contact to get revenge for having left, through threats and intimidation. Handover especially, as already noted, was a difficult and anxious experience for women, and something that frequently involved further harassment of women. As contact is not monitored in a supported centre, in court it was the view of men and women about how it was going that was heard, something seen to be inadequate by women – 'who can contradict that? There isn't anybody else there that's neutral to say otherwise' (AC9).

SUMMARY

Contact centres provide an important service for families involved in contact disputes and, in addressing issues raised by past research, considerable development has taken place in recent years though concern continues to be raised about the unsafe practices of many service providers. The lack of provision of contact centres in general and supervised centres in particular was widely reported by all those interviewed. Great variation in practice among supervised and supported centres as well as between supported centres, was highlighted.

Language support was a big issue for contact centres, who were reported to be working with an increasing number of BME families without any recourse to interpreting services. Despite guidance from NACC to use independent interpreters, many centres struggled, and were reported to use their own language during contact visits to make threats to women and place pressure on children. Despite high numbers of South Asian families reported to be using supported centres, the lack of cultural awareness, in particular about the ways in which different families are structured or function, was considered to create a 'double jeopardy' for such families.

Safety was not always given full consideration by many supported centres which were reported to be still struggling to identify risk and to pick up on post-separation violence. Handovers were inadequately monitored and they were considered difficult for centre staff to govern, especially as men were very skilled at harassing and threatening women, including through the use of their own language. The onus was often on women to raise these issues and return with them to court, with all the effects on their emotional health that entails. It was evident that women frequently had the responsibility for drop-off and pick-up, something that was reported to compromise their safety and to be a financial burden for many. The vulnerability of some South Asian women was seen to be enhanced when they were left to make their own way to drop off and pick up children for contact. That there is a lack of monitoring and follow up once contact has been ordered was also seen to compromise women's safety.

SECTION 10: WOMEN'S EXPERIENCES OF POST-SEPARATION VIOLENCE

I think it's a major issue for any woman that we've ever come across that's got children basically. And even the women that are pregnant and about to give birth, those women as well get the same issues impacting them. It's basically a form of control really, dragging them through the Court system, demanding contact, demanding ... to meet other family members as well. It's not just the perpetrator. (DV5)

Apart from those women who were living in refuges, had been re-housed without their partners knowing where they lived or where their partners were serving prison sentences, all of the women interviewed stated they had experienced post-separation violence¹¹ (PSV) for many years. For a number of women this was a continuing issue. Women's narratives reveal high levels of PSV and it is a thread woven throughout women's experiences of the court process, child contact arrangements, and generally of trying to rebuild their lives with their children away from abuse. This section discusses in more detail the issues raised by women and professionals about their experiences of PSV.

PSV A SIGNIFICANT ISSUE

Domestic violence services viewed PSV as a major issue and were very clear about its prevalence for women and children and the role it played in continuing to shape and control their lives. PSV was a significant issue for some African-Caribbean women even if separation had occurred years earlier. For some, levels of PSV had been extreme and endured over a long period, resulting in social services becoming involved and contact being dealt with through the courts, despite women's initial reluctance to do this. Children were reported to witness continuing and severe incidents of violence and the threat of further violence remained significant for 78% of the women (n=35), something children were also often aware of. In a few cases, women had been separated for five years or more and men were still using contact to get access to women:

It's very much about using the children to gain that proximity, so coming to collect the children and assaulting the mother or chasing the mother and children in the car, taking weapons to where mother works, that kind of thing. (DV2)

Women reported threatening messages, verbal abuse and in several cases serious physical violence, often witnessed by children. Even where women had moved, they remained fearful of men finding them. This is of significance for African-Caribbean women who tried to make contact work without involving the courts and were subjected to chronic PSV by men – *'they can be really dangerous times for the mother and they seem to become opportunities where incidents of violence and harassment occur. The children then see that, hear that'* (DV3).

Alongside PSV, post-separation isolation for South Asian women was a significant issue and created difficulties for many (only a small minority of African-Caribbean women had this experience). In

¹¹ Post-separation violence includes threats of and actual physical and non-physical abuse and harassment perpetrated by men against women and children after separation.

particular, that more and greater numbers of people were involved in the post-separation period created additional difficulties for South Asian women:

... it is not just confined to him and his family, others are prepared to harass and abuse, sometimes anonymously. So it's more concentrated in that way, more are prepared to assist in the rightful, as they see it, return of the children to their rightful home and to the father's family. And because of issues of shame and honour which they all share, you'll find willing participants from the community in punishing the mother, either by being violent and aggressive and intimidating and harassing of her or in terms of threats of abduction of the children. (B4)

Such pressures and the resulting stress created added risk for many South Asian women who were left to deal with abusive men and their families on their own, believing they had little option but to endure contact related abuse. Post-separation isolation and the lack of post-separation support affected the ability of, especially, SA to move on but was something that was poorly understood by professionals, particularly the value that women themselves placed on community and family:

... if you live in a community with an extended family or family and friends, actually when you separate as a couple one of the things in terms of the safety of the woman and the child is sometimes around moving out of that area and the isolation that that brings to you as a woman, but also in terms of your children as well and starting again and feeling comfortable in the community. So those are some of the critical issues for all women who experience domestic violence, but they're sort of compounded for black and Asian women in the sense of how important community is and family links and family ties. So when you have got to move or just making that choice is a difficult choice. (DV6)

Some respondents from BME backgrounds recognised these further nuances for South Asian and African-Caribbean women and that the choice of leaving was made more difficult for women because they themselves valued family and community and thus found it hard to make the choice to leave that behind. In such situations, women who chose to stay in their localities for these reasons risked higher levels of PSV from men and their families. Women who were left with little choice but to leave, on the other hand, had to live with the consequences for themselves and their children and experienced high levels of post-separation isolation. However, in the context of contact disputes, safety had to be crucially balanced with input from the paternal family and wider networks to children's lives.

In their narratives, women described a range of PSV experiences which are discussed in detail in the following sections.

MEN USE LEGAL PROCESS TO CONTINUE ABUSE

In terms of protecting women [from men who use legal process for abusive purposes] it's very difficult to think of any practical ways of being able to achieve that, given that there's a presumption that children and fathers should see each other ... It's also trying to get the impression or the feeling across to the Judge that that's what the father's doing, it's about the control and the being involved in the process rather than being interested. (B2)

Although it was perpetrated in numerous ways, men's use of the legal process was central to the PSV experiences of many women in this research, where men frequently pursued formal contact to continue abuse against their ex/partners. This was recognised by many of the professionals interviewed but viewed as difficult to prove in court and to protect women from:

The contact or contact applications being used as a way of indirectly still controlling that partner ... absolutely ... and it being questionable how serious the absent parent and often that's the man, is in making the application. And women often say by me going to the court he knows that I've got to turn up and he would see me there. (S1)

Where men did this they often made the contact process as protracted as possible and in the end did not engage with contact when it was ordered, especially if it involved them having to address their behaviour through either perpetrator or parenting programmes¹². Whilst generally lengthy, the legal process tended to be even longer in South Asian cases, having clear implications for women and children, because of the involvement of other family members being driven in many cases by the need to protect their name and honour through legal proceedings at the expense of women and children:

It's the very fact of those proceedings that are harassment, but they tend to go on longer and are more involved with those cases because many more people involved were witnesses or party to the violence. So you know whereas you might have a fact-finding between a man and woman, with an Asian family they have a whole extended family and community members and these fact-finding hearings are lengthy. It's very rare that you would have a case involving an Asian family where the husband didn't turn up or wasn't represented or where you didn't have protracted contested proceedings (B4).

While an aspect of PSV commonly experienced by South Asian and African-Caribbean women was the pressure to withdraw from the legal process and to agree to informal contact, something that was not taken account of by the judicial system, a minority of South Asian women had also been pressurised by professionals, including police officers, who were members of their communities to 'leave the guy alone'. Such complexity in cases makes the proceedings more protracted, something that is often underestimated by the courts, and which not only has implications for the courts but for support services, which need to be engaged for longer, as well as for women and children themselves:

Just the strain of these proceedings has an impact upon her and if she's already got depression and mental health difficulties, it compounds that. It may start affecting her parenting capacity. So ultimately it affects the welfare of the children. (B3)

A key aspect of the abuse during the court process was men's threats to women before each court hearing. Sometimes men involved others to threaten and intimidate women to withdraw the court case. If threats and intimidation did not succeed in reversing women's decisions, some men behaved in a disruptive way in court. Men also frequently lied in court. Some men used the legal process to focus on their relationship with women rather than children, using hearings as a way of getting information on women. This led one woman to challenge this and assert she did not want the fact finding hearings to continue:

He wanted the Court case to be about me and him and I was saying to the Court 'look I will give you police reports. That's as far as I'm going with the me and him thing because this I believe he

¹² Cafcass commissioned Relate to develop and to provide, amongst others, Parenting Intervention Programmes (PIPs) but men were reported to not always turn up by some providers.

gets off on. This is what this is all about. He just wants to be having some insight into what's going on in my life. What I'm doing. And I refuse to entertain it ... My son's telling you that his dad's abused him. That's what needs to be investigated and that's what we need to be doing. (AC7)

Men used various allegations to undermine women in court, especially men who knew the system and were more articulate than women. As part of their counter-narratives, men often used the fact that women had not disclosed the abuse to anyone although they had prevented women from doing so at the time. This impacted on women's ability to 'prove' the abuse in court and created gaps for men to argue women were not telling the truth. Some accused women of child neglect and being bad mothers to counter their own abuse against women and children. In this, women frequently described feeling disempowered, silenced and disbelieved and feared losing their children.

South Asian men were reported to use religious and cultural arguments in contact disputes, asserting that by leaving women were putting their children at a disadvantage. Some men particularly used arguments of cultural identity and the absence of extended family and community networks in children's lives to argue against women having residence

Living outside of her culture and her community, therefore the stigma that attached to her would attach to the daughter, then that would mean that the daughter would not be married according to their cultural whatever. And therefore he wanted custody of the child in order that the child would retain her cultural identity because this woman had no identity because she'd divorced him kind of stuff. She then asked us if we would counteract, or through her lawyers counteract the argument and argue that just because a woman leaves home, it doesn't therefore mean she's turning her back against her whole cultural identity ... for a lot of women abuse and violence isn't part of their cultural identity. They reject it. And he then put up some religious people to support his views. (DV1)

In such cases, expert reports were often needed by women to counteract such assertions. Lack of insight among legal professionals about the ways in which some men used the legal process to continue abuse of their partners was highlighted:

A lack of understanding, and I don't think that's necessarily changed, as to how violent partners will use the contact and the process of applying to the Court as an abusive process in itself. And that sometimes the feeling is that they're not really interested in seeing their children, but they're more interested in the sort of battle if you like or the stress that they're causing to their ex-partners. (S4)

CONTACT AND CHILDREN USED TO UNDERMINE WOMEN

Once awarded, men's use of contact and children to control, intimidate and undermine women was widely reported by both professionals and women. It was evident that men various aspects of contact with children to get to women. Much of this was hard to monitor or prove, as already noted.

Some men reported women to Social Services after they left for child abuse and being neglectful mothers. This was especially the case when women refused to give into men's pressures to reconcile. African-Caribbean men in particular were reported to make 'wild accusations' against women. When Social Services became involved, as a result of such accusations, women felt that the onus was on them to prove otherwise:

He contacted social service and reported me for child abuse. Social Services became involved because of him saying I'm a bad mother. I've got all these boyfriends. None of it was true but I was treated like I was guilty. (SA11)

When men's attempts at reconciliation failed, they also tried to influence children to get back at women, undermining them to children and painting them as 'bad women'. This was an important reason for women wanting supervised contact:

He used to say bad things. Oh your mum's a slag. Your mum's this. You know like brainwash my kids against me. (SA14)

This was especially so where women had entered into other relationships. In such situations, men's use of children to perpetrate PSV became more pronounced and men also asserted greater control over their children. Indeed, several women aired fears about not only men influencing and 'brainwashing' children during contact but that this was also being done by other family members. Women highlighted the work they had to do with their children, especially boys, to challenge stereotypes and give them more positive role models and messages such as 'not all Asian men are abusive' and that 'not all Asian women are submissive'.

Not only face-to-face contact but telephone contact with children was also used to manipulate children and check up on women's movements and behaviour, something women found hard to prove in court. Some men, as already noted, used the handover to further abuse women and used contact to influence children to undermine women. Indeed, some men continued to be violent towards women, often in front of their children and in public places:

The arrangement was for me to drop them off at his dad's house and even then an act of violence broke out then when I dropped them off where he tried to snatch the phone out of my hand and then bent my fingers back. So I called the police and reported the incident to the police. (AC8)

Men decided against contact in a few cases where contact was supervised by Social Services, not wanting to do it under supervision because it reportedly minimised their chances to influence children. Men's use of children during contact to get back at women tended not to be taken seriously by Cafcass and other professionals:

A lot of the time it's the women who've initiated the divorce proceedings so the men are absolutely livid that she's taken the initiative and 'how dare she' having always been a subservient party in the marriage. And it's a way of getting back at them. They do fill kids' heads up with rubbish but they're always powerless unless it's so great we just actually say we're suspending contact because we think it is causing the children emotional harm and we think this is abuse to the mother. But it's not taken that seriously in the court and before you know it contact is restored. (S3)

Men's continuing manipulation of children and/or their attempts at controlling women and children were seen as a difficult area to monitor, especially if contact was deemed to be working well by the courts and a final hearing had taken place. It required strength on the part of women to re-contact a solicitor and take it back to court, something few women were reported to do, choosing instead to put up with the abuse. It was stated that women often had reduced expectations of the law after they had gone through the legal process:

I think women soon wisen up not to have too many expectations of the law unfortunately because when they first come in they have high expectations on what the law can do for them. The easy bit is getting them protection in terms of non-molestation and in some ways they think ... post separation will also be managed. But it's not. (S3)

WIDE RANGING, EXTREME AND PROLONGED PSV

As I'm shutting the door he's run towards the door, put his arm in the door. So I'm trying to push the door back and he's forced his way in. I'm trying to get him out my house. He elbows me in the mouth ... I run to get my phone and he's running after me. I picked up the phone and all of a sudden my feet lift and leave the ground. I've got a dressing gown on at this point. They leave the ground. And I'm being thrown into my neighbour's garden. And I land on my side and that's when the pain kicks in. And then this kind of shadow's over me kicking me in my back. Just kicking me in my back. Then the front wall falls on my right foot. So I'm just being battered on the floor at this point. Four people tried to get him off me, I don't know how but I managed to get away and run inside and he's running after me. And they're holding him back and I managed to get inside and called the police and once the police came and I gave my statement they advised me not to go back home. And I ended up in a women's refuge. (AC5)

As part of their PSV, men continued to make threats to kill and be physically violent towards women. Women described serious and chronic PSV which was not always connected to men's demands to see children:

Whenever he used to meet me he used to become very aggressive and very abusive. I will kill you before the police even get to you. You won't be safe. He used to say things like this. And I used to feel really intimidated. My window was smashed. I said to him I know it was you. Because he would come round my house at night and stand outside my house and see what was happening. (SA1)

And if I went out with my friends and saw him ... like one time I was driving back to drop my friends off and he was driving behind me and tried ramming me off the road and stuff like that. (AC12)

Much of the PSV described by women was aimed at pressuring women to return, especially in the face of women's refusal to do so:

He followed me everywhere, outside by my house in the car all the time, harassed me. Put stickers on my door saying she's a prostitute everything. You imagine it. Told the police. Nothing could have come of it. And then one day ... he pulled me in and started punching me and beating me up. The kids were there in the car with us. (SA23)

In some cases, it had taken two to five years to resolve contact, a time when women were constantly subjected to PSV as men still tried to control their lives; for some it was still on-going. Some men used family events as an excuse to get to women. Professional men enacted their harassment through solicitor's letters using every opportunity to disagree with women. In one case, a man had gone to the best family law firm, getting the senior partner for his case, and launched into a constant stream of letter writing even after the final hearing. Where men persisted in harassing women, even court orders or

police warnings did not change their behaviour. As a result of the pressures placed on women by men and their families to reconcile and PSV from men, it is of little surprise that many South Asian women eventually used the court process to resolve contact issues and insisted on supervised contact centres to minimise continued PSV and harassment. However, as already noted, PSV continued in contact centres and was not taken on board or dealt with by staff, though for women even a few minutes created huge anxieties about seeing their ex/partners.

Men were extremely skilled at how they perpetrated PSV:

He kept on touching me when I didn't want to be touched and it felt like I was being invaded it was awful. And I called the police on him a couple of times. It was really bad. I ended up getting a non-molestation order out on him. But it was more emotional, touching, saying things that nobody could hear and then denying it. (AC10)

PSV was extremely severe where men were involved in other criminal activities. In some of these cases, women had not known their partners were involved in such things and only realised when the threat of involving the police emerged. The experience of PSV was made worse for women when they were threatened by men against police involvement, leaving women with little prospect of protection against their on-going violence:

I was there on my own and he came up to me hand in fist and said 'you know what I do. If I get police on my case or if I get arrested I'm coming straight back for you'. And what he was referring to was that he is actually a drug dealer and I didn't know. (AC15)

In such cases, men were relentless in their perpetration of PSV and women experienced intense and extreme PSV for many months, as the following show:

For the next five months, I endured the most extreme level of harassment I've ever known, through phone calls, through voicemails, through texting, and him waiting outside my house for me. It was just unbelievable. I used to get up and go to work in the morning. I used to come home at night and I used to sit in a corner of my house, just one particular corner of my house at night, legs bent, you know just in my dressing gown just sitting there waiting for the morning to come. That's what I did for five months, looking at my phone and the phone's going off and off and off. It's him on the phone and he had this knack of me not just putting the phone down on him because every phone call was in relation to our son. So I wouldn't put the phone down. (AC5)

He just hit me in my face and pushed me ... backed me up on the wall and he slapped me and punched me in my face. And after it had all finished he just told me to go home and obviously when I got home I had marks on my face and my daughter got upset. She went into school the next day and told my mum and then she called social services about him. Two days later social services came round and basically said if I don't tell them what's going on straight up then they were going to take my children. So that's when it really opened my eyes I suppose. (AC6)

However, where women endured such extreme and prolonged PSV and attempted to cope with this on their own, the lack of evidence when they did have to involve the police later on worked against them.

PSV PREVENTS WOMEN AND CHILDREN FROM MOVING ON

Safety was a big factor in women and children being able to move on with their lives. The range of PSV recounted by women resulted in them and their children feeling unsafe, with some having to make several moves:

It's not fair because I just recently decorated my house. He turns up and now I have to look at moving out. I just want my children to feel safe you know. And it's difficult to feel that they're really safe with him acting like an arsehole. (SA2)

Even when women moved to a refuge, men were persistent, with some tracking women down. Where women had moved to ensure their safety they still lived in fear and believed that men would involve other people in finding them – ‘He’s biding his time. He doesn’t let anything lie’ (AC6). Often women kept their fears about their safety away from children to prevent further effects on them though in one case where a woman had received help to change locks, her ex-partner was so persistent that he had managed to cut keys, enter the flat and empty out its entire contents:

I have to keep positive for my daughter's sake. I can't let her see or even let her even think that I'm like scared or worried about anything because it has had a big impact on her as well. And she needs to feel safe and secure and she does now because she's away from all what was happening before. Somebody asked me the other day are you like over the fear of like him coming to find you or whatever. I says no, the fear is still there. And I think it will be for a very long time. (AC6)

Some men tried to encroach in every aspect of women’s lives, including sabotaging women’s work.

I feel secure when I'm at work and I can focus and I can do what I've got to do. I looked at this email and it was the most disgusting ... he'd degraded me in this email. I just could not believe it. I'm promiscuous. I'm mentally unstable. I'd rather choose men over my son. I just couldn't believe what I was reading ... The final straw was he sent a fax over to the same place. I couldn't believe it. But then I thought how on earth does he know, he must have someone following me. (AC5)

Where PSV was experienced at work, those women lost their jobs for putting other employees at risk. Men also targeted violence at others who were helping women, placing women in a difficult position. In a minority of cases, men had taken their children and women were trying to either get the children back or to secure contact, with men using this to show women they had power over them and the children. Women especially urged professionals to understand the dynamics and debilitating impact of mental abuse in contact proceedings and not just consider physical violence. There was a very clear sense in women’s narratives of being unable to get on with their lives because of men’s controlling behaviour through the children:

When other women divorce that's it, they live their own lives. For me it's still, I'll get a text probably every other day, something winding me up constantly. To be honest I just delete most of them ... And it's the littlest things ... I feel like I can't move on. (SA12)

However, despite the constant threat of PSV, many women resisted men’s attempts at controlling their lives after separation and especially in using the children to get at them. Some spoke about not being

'submissive women' and others stated *'his aim is to get to me, he is not going to get to me. I am not having it'* (SA23).

PSV POORLY UNDERSTOOD AND RESPONDED TO

It's like I've gone from being safeguarded and having the boundaries and barriers around me, to sort of nothing. And then when you're at your most vulnerable that's when things start to happen. (AC4).

Despite women reporting serious and persistent PSV and harassment, professionals were found by women to be slow to respond. Even where women risked calling the police, after being warned not to do this by partners, the police were lenient on men seeing men's contact with women as related to their children:

After months I got a call from the police to say 'is he still harassing you?' I said 'yes here's the evidence'. I had notes and recordings of voicemail messages. They called him and warned him to back off but he called me after having a go at me ... They arrested him for harassment and I just don't know how with all the evidence that they had he actually talked himself out of it. They turned round and said to me 'well it is in relation to your son and he said he's been trying to get in touch with you regarding your son'. (AC13)

After separation, a number of the women's experiences with the police were negative, especially African-Caribbean women. Responses were slow and, as the quotations above and below show, police officers viewed men's violence as understandably related to their desire to see their children or as a 'tiff' over the children:

I don't think the police are great at all. At all at all at all. At one point when I said that he was chasing me when I'm trying to take my son to school, just looked on it as like a tiff. Like Oh he just wants to see his son kind of crap. So no they weren't any good. They take forever to come when you call them. So I can see why certain women are dead before the police even reach the scene. If you say someone's got a knife to my throat they're turning up forty five minutes later. (AC8)

Despite numerous reports of PSV to the police, women found that their cases were seen as harassment rather than domestic violence, since it occurred some time after separation:

There's been a whole list of reports. Have the police done anything? But when it went to Court it wasn't down as domestic violence, the whole issue went down as harassment just because we've been separated. But I'm trying to explain to them this is the reason why we've separated, because I was a victim of domestic violence. Now how can you say that it's just harassment. I still want you to treat it as domestic violence. (AC11)

Thus, there appeared to be a limited view of domestic violence that did not include PSV. The onus was on women to take things back to court if they had serious concerns about contact but since the legal process is already a wearing one and something men used to further abuse women, many women interviewed in this study tended to tolerate men's PSV. Moreover, if women reported incidents to the police and did not get a positive response they were likely to try to deal with PSV issues themselves, in the face of women's

reluctance to use the criminal justice process. It was clear, then, from their accounts that even though women were subjected to high levels of PSV, they and their children were often placed in dangerous situations without any recourse to positive intervention.

SUMMARY

Post-separation violence was a significant issue for 78% (n=35) of the women, and especially for some African-Caribbean women even though separation had occurred years earlier. The fact that greater numbers of people were involved in the post-separation period for South Asian women created additional difficulties. It was reported that children either witnessed continuing and severe incidents of violence or were afraid of the threat of such violence. Post-separation isolation and the lack of post-separation support affected the ability of women to move on.

Women who were subjected to PSV commonly experienced pressure to withdraw from the legal process and to give into contact. Men's use of contact and children to control, intimidate and undermine women was widely reported by both professionals and women. Much of this was hard to monitor or prove, but it was evident that men used every possible avenue of contact with children to get to women. Men used intimidation during supported contact visits, and also used other family members to put pressure on women. Such issues led to women wanting contact to take place in supervised centres. PSV was extremely severe in cases where men were involved in other criminal activities.

Although women reported serious and persistent PSV and harassment, they found that professionals were slow to respond. Even women who risked calling the police, after being warned not to do so, found the police lenient, seeing men's contact with women as related to their children rather than as violence against women. Once women had negative responses from agencies and professionals to their reports of PSV, they were likely to deal with these issues themselves. Consequently, even though women were subjected to high levels of PSV, they and their children were often placed in dangerous situations without any recourse to positive intervention.

SECTION 11: RECOMMENDATIONS FOR CHANGE

By drawing on the suggestions made by all respondents for improving responses to South Asian and African-Caribbean women and children involved in contact processes where domestic violence is a factor and by considering the key findings of the research, this section presents the recommendations for change. The first part of this section starts with general recommendations with implications for local and national services and the second presents specific recommendations for Cafcass and legal professionals.

GENERAL RECOMMENDATIONS

Earlier information and advice about the formal contact process

This research shows that information and advice about the court process was considered to be crucial for women, who were at times confused about which aspect of their experiences they were going to court for. Women need the contact process explained to prepare them for what is going to happen. This is especially the case for women who do not speak English and have been extremely isolated. Earlier information can assist women in accessing services when they are ready to do so.

Since most of the advice available to women tends to be about leaving domestic violence and not about child contact, one way to ensure they receive information earlier is to develop web based advice for women and support services around contact processes. Making women aware of the role of Cafcass, through having leaflets at solicitors' offices or in refuges and other domestic violence services, is also an important way for women to obtain information, especially as they tend to have little knowledge about Cafcass until they interact with practitioners. For Cafcass to link up with solicitors and deliver group surgeries and/or presentations to women about their role and the contact process is another possibility worth exploring.

Earlier and more information about support services

The findings clearly show that women need an organisation to go to for information about support services, and it was important for them to know about support services at an early stage. Although many police forces already provide some information about domestic violence services, the police are ideally placed to provide women with a list of support groups, a leaflet containing information about the contact process and a list of family law solicitors.

The importance of ensuring that relevant professionals have information about domestic violence and other services has also been highlighted. At a local level, greater networking on the part of all relevant professionals could improve this area of practice. For women who do not access or have a distrust of professionals, the provision of information in GP surgeries and health centres could provide an important avenue for informing women.

Co-ordinated approach through cross referrals for women

Recognising the limited support role of Cafcass and solicitors, the importance of having a co-ordinated approach to a case through cross referrals between support agencies for women who come into contact proceedings was further underlined by the findings of the research.

Some women can feel embarrassed to access domestic violence services directly. The importance of professionals, such as Cafcass and solicitors, routinely referring or signposting domestic violence cases to a support service for women that informs them about the family court process and provides emotional support was emphasised and can be an important way for local responses to be improved to women and children.

Specialist BME support and counselling services

The limited provision of specialist domestic violence support services was widely noted, especially by professionals who struggled to access support for women. Women being supported by such services were extremely positive about this. The research findings reinforce the need for more such domestic violence services to be made available locally to women and children.

The crucial role played by specialist BME domestic violence services in supporting and dealing sensitively with the needs and issues for South Asian and African-Caribbean women and children emerged as a strong finding. BME domestic violence services that give women information and advice, conduct advocacy with other professionals and can hold institutions to account and ensure multi-agency co-ordination were crucial for many South Asian and African-Caribbean women. Making such BME services available to women and children at a local level should be given priority by the commissioners and funders of local services.

Post-separation support for women

Women who were supported by domestic violence services through outreach support greatly valued this. However, in general, limited post-separation support was available to women, especially those who were going through protracted post-separation violence. The need for women to be offered longer term specialist post-separation support, currently either not funded or only funded for a limited time, is clearly highlighted by this research and requires consideration by the commissioners and funders of local services for women and children affected by domestic violence and child contact issues.

In addition to post-separation support, post-court support emerged as a gap for women involved in contact proceedings, especially where men use contact with children to also continue abuse against women. Some South Asian women especially can be deeply traumatised by the complex nature of their abuse and their inability to articulate their experiences because of language issues. The need for South Asian women to be offered support for longer was emphasised by the research findings so that women can be supported to build their confidence and to live independently.

Parenting support for women

Although the need for parenting intervention with men was reinforced, this research also highlights the need for this to be a consideration for women whose mothering has been undermined as part of their abuse experiences. Where women had received support with their parenting, they valued those services that were non-threatening, non-judgemental, and non-patronising. It is especially important to have interventions that recognise the harm done to the mother-child relationship by violence and that do not judge mothers negatively. The development of such support, which is tailored to the needs of South Asian and African-Caribbean women, should be explored by all relevant support services and recognised by funding bodies.

Accessible and safe (supervised) contact centres sensitive to diverse needs

The shortage of safe supervised and supported contact centres, especially specialist BME centres, as well as a lack of safe handover facilities, was noted by the majority of respondents. That women need accessible, affordable and safe contact centres which have an insight into women's diverse experiences and needs was a strong finding of the research.

Contact centres that have an awareness of safety issues resulting from domestic violence and post-separation violence as well as issues for BME women and children, that provide interpreters, and that are linked into multi-agency approaches are in short supply and clearly needed. National and local funders and commissioners are required to give the development of such facilities much consideration. In the face of limited knowledge and insight on the part of contact centre staff – paid and voluntary – about the context of diverse families and domestic violence, the need to have greater training for all staff on domestic violence and equality and diversity issues is underlined.

Assistance with pick up and drop off

Given the lack of monitoring currently in place, 'drop off and pick up' was identified as a key safety issue for women and children, especially some groups of South Asian women. The need to develop safe and independent options for 'drop off and pick up' during contact visits by key players at a national and local level was underlined by the study findings.

More perpetrator and parenting programmes for men

Despite some developments, including the Caring Dads and Parenting Intervention Programmes, the need for both perpetrator and parenting programmes for men as a way of addressing their abusive behaviour and their parenting was emphasised. While this was reported to be increasingly recommended in cases that the courts considered serious, the lack of provision for South Asian and African-Caribbean men, as well as the under-use of existing interventions by them, is particularly noteworthy. Clearly, greater attention in the future development and delivery of such interventions is required.

More support and therapeutic services for children

The lack of services for children affected by domestic violence and contact issues was widely noted in the research. Support services for South Asian and African-Caribbean children were especially under-developed. Therapeutic work with children affected by domestic violence and on-going contact issues was described as slow painful work for children but something that was viewed extremely positively by women and children. There is an urgent need to address this gap and ensure the development of appropriate services for children. As well, there is a need for agencies to generally pay greater attention to children and their issues.

Training on equality/diversity and domestic violence for all professionals

Training on domestic violence, and to some extent on equality and diversity issues, was seen to have vastly improved. However, mixed responses from professionals and agencies were widely reported, making it evident that responses to South Asian and African-Caribbean women and children may be greatly improved with more and better training on domestic violence and on equality and diversity. That professionals from Social Services and Cafcass needed to listen, consider the nature of violence experienced, ask questions rather than make assumptions, and be more positive in their responses to women and children was a key finding.

The need for quality training to be developed and delivered to all relevant agencies and professionals, including the judiciary and legal professionals, on these combined issues remains. This should be explored by all relevant professional bodies involved in the development and delivery of training to their members.

The importance of more training for Cafcass, the courts and contact centres on the cultural contexts of South Asian and African-Caribbean women and their particular experiences of domestic violence and post-separation violence is underlined by the research findings. A suggestion made was for Cafcass and other professionals to undertake placements in specialist BME support services for women to gain insight into the ways in which complex issues impact on women and children. Professional bodies could also explore the possibility of their members accessing support and guidance from specialists if unsure about their practice.

Clearly defined contact orders

To prevent further anxiety and distress to children and women, the importance of the courts issuing clear contact orders was emphasised whereby the time by which men have to attend contact is stipulated. The issue of clearly defined contact orders could be considered by the relevant bodies in the family justice system.

Assessment of men's parenting and greater consideration of men's violence

As echoed throughout the research findings, the courts and related professionals frequently disassociate men's violence from their parenting. The importance of assessing men's parenting in the context of men's violence requires further development, as opposed to the leap that is made by current service responses from 'violent man' to a 'good enough father'.

Greater inter-agency co-ordination

The lack of inter-agency co-ordination was identified as an issue by many professionals and women. Given the complexity of contact disputes involving South Asian and African-Caribbean women, it was considered necessary to improve communication and co-ordination between all agencies and professionals involved in a case. This needs to be considered by local stakeholders and agreed processes to facilitate this established.

Greater public awareness

Lack of insight into the effects of domestic violence and on-going contact disputes on children among parents, families, communities and many professionals was one of the key issues to emerge from the research. While there is now greater societal awareness of domestic violence and abuse, the need for greater public awareness about its impact on children, specifically targeting African-Caribbean and South Asian communities, was emphasised. Where possible, those organisations and professionals involved at a local and national level could explore the development of targeted campaigns.

SUGGESTIONS FOR CAF/CASS

In addition to the general recommendations outlined above, some specific recommendations for Caf/Cass are presented below.

Culturally competent assessments through training and support

The need for Caf/Cass to integrate equality and diversity into their assessment process and for greater training on this to equip practitioners was underlined by the research findings. It is suggested that a checklist of questions to ask when conducting interviews and assessments with diverse families be developed for Caf/Cass practitioners in order to standardise the process followed.

Ensuring that women suffering domestic violence are allocated sensitive female Caf/Cass officers who have an understanding of the cultural context of families should be a priority for Caf/Cass. The continuing lack of understanding shown in Caf/Cass reports highlighted the importance of greater training on domestic violence and equality and diversity issues and this should be further considered by the organisation.

Listening to children

Although some thought is now given to eliciting children's wishes and feelings by Cafcass, work with children was still extremely limited. It is important that greater thought is given to consulting children and to making time to do this appropriately and sensitively, and for this to feed into the recommendations made about contact.

SUGGESTIONS FOR LEGAL PROFESSIONALS

Appropriate legal advice in own languages

In areas where there were South Asian women solicitors and barristers with insight into domestic violence, this was seen to be positive and helpful for women, who felt they did not have to explain the basics of family set up to the professionals representing them. Bigger legal firms specialising in Legal Aid work tended to provide language and cultural expertise through employing solicitors from the communities from which their clients came. Some firms had given a lot of thought to making access easier for women, linking in with local provision and going to places that were easier for women, such as home visits, refuges, and community venues. The research findings clearly highlight that women require legal advice that is sensitive to their circumstances and locations and provided in their own languages. This is also required at an earlier stage than is currently done.

Language support

The importance of having access to reliable independent interpreting services that can respond at short notice was underlined by the research. It is suggested that this could be done through developing a designated panel of vetted interpreters trained in domestic violence and equality and diversity issues that can be used in court and by Cafcass.

Improved preparation of first statement and evidence gathering

It was clear that greater time and attention must be given to the preparation of women's initial statements and to the gathering of corroborative evidence. Although there are external pressures militating against this, positive practice currently exists among many legal firms. In order to ensure that women are not poorly represented, the allocation of experienced solicitors and barristers to cases of domestic violence with South Asian and African-Caribbean families should be encouraged.

Quicker resolution in court process

While the lack of resources for the courts and Cafcass is an on-going consideration, the need for cases to be resolved more quickly in court, without compromising the safety of women and children, is crucial for reducing the negative impact of protracted contact disputes on women and children. As part of this,

the need for fact finding hearings, often delayed by the shortage of court space, to be carried out earlier was viewed as key to improving the court process.

Greater liaison between the criminal and family courts

While the lack of communication between criminal and civil/family courts has repeatedly been highlighted, progress in improving this has been slow. Greater liaison between criminal and family courts is urged, to ensure the safety of women and children.

Challenge shift towards mediation

Although increasing calls are being made to increase, promote and even 'rebrand' mediation for separating families in resolving disputes over children, the research findings reveal that in situations of domestic violence, this can serve to greatly undermine the safety of women and children. Professionals also frequently minimize the effects of abuse on women's ability to negotiate with their ex-partners and deal with other family members, who can 'gang up' on women. Relying on relative equality between parties, mediation fails to take account of the immense pressures on South Asian and African-Caribbean women to comply with these processes. Moreover, mediation overlooks women's experiences of post-separation violence. The importance of exercising caution in making assumptions that mediation is in the best interests of women and children where domestic violence and post-separation violence are factors is clearly underlined by the research. Practice that militates against the safety of women and children, especially in some communities, should be discouraged.

REFERENCES

- Anitha, S. (2008) *Forgotten Women: Domestic Violence, Poverty and South Asian Women with No Recourse to Public Funds*. Oxfam Publishing: Manchester.
- Anitha, S. (2010) 'No Recourse, No Support: State Policy and Practice towards South Asian Women Facing Domestic Violence in the UK', *British Journal of Social Work*, 40, 462–479.
- Anitha, S. & Gill, A. (2009) 'Coercion, consent and the forced marriage debate in the UK'. *Feminist Legal Studies*, 17, 2.
- Aris, R., Harrison, C., and Humphreys, C. (2002) *Safety and child contact: An analysis of the role of child contact centres in the context of domestic violence and child welfare concerns*. Stationary Office: London.
- Aris, R. and Harrison, C. (2007) *Domestic Violence and the Supplemental Information Form C1A*. December, Series 17/07, 1–68. Ministry of Justice: London.
- Bancroft, L., and Silverman, J. (2002) *The batterer as parent: Addressing the impact of domestic violence on family dynamics*. Sage: Thousand Oaks, CA.
- Barnsley, J., Goldsmith, P., and Taylor, G. (1996) *Women and children last: Custody disputes and the family 'justice' system*. Vancouver Custody & Access Support & Advocacy Association: Vancouver, BC.
- Batsleer, J., Burman, E., Chantler, K., McIntosh, H.S. (2002) *Domestic Violence and Minoritisation: Supporting Women to Independence*. Women's Studies Research Centre, Manchester Metropolitan University: Manchester.
- Beeble, M.L., Bybee, D., and Sullivan, C.M. (2007) 'Abusive men's use of children to control their partners and ex-partners'. *European Psychologist*, 12(1), 54–61.
- Bradshaw, J., Stimson, C., Williams, J., Skinner, C. (1999) *Absent Fathers*. Routledge: London.
- Brownridge, D.A. (2006) 'Violence against women post-separation'. *Aggression and Violence Behaviour* 11, 514–530.
- Burman, E., and Chantler, K., and (2004) 'There is "no place" like home: researching, 'race' and refuge provision'. *Gender, Place and Culture*, 11(3), 375–37.
- Dalton, C. (1999) 'When paradigms collide: Protecting battered parents and their children in the family court system'. *Family and Conciliation Courts Review*, 37(3), 273–296.
- Dewar, J., and Parker, S., (1999) 'The impact of the new Part VII Family Law Act 1975'. *Australian Journal of Family Law*, 13, 6–116.
- Edleson, J. L (2001) 'Studying the Co-occurrence of Child Maltreatment and Domestic Violence in Families'. In S Graham-Berman and J. Edleson (eds) *Domestic Violence in the Lives of Children: The Face of Research, Intervention and Social Policy*. American Psychological Association: Washington.
- Edleson, J.L., Mbilinyi, L.F, and Shetty, S. (2003) *Parenting in the context of domestic violence*. Judicial Council of California, Administrative Offices of the Court: San Francisco. Retrieved Marcg 14, 2005, from <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications>
- Eriksson, M., & Hester, M. 2001) 'Violent men as good enough fathers? A look at England and Sweden'. *Violence Against Women*, 7, 779–798.
- Featherstone, B. and Peckover, S. (2007) 'Letting them get away with it: Fathers, domestic violence and child welfare'. *Critical Social Policy*, 27 (2), 181–202.
- Gill, A. (2004) 'Voicing the silent fear: South Asian women's experience of domestic violence'. *Howard Journal of Criminal Justice* 43, 5, 465–83.
- Hardesty, J.L. and Chung, G.H. (2006) 'Intimate partner violence, parental divorce, and child custody: directions for intervention and future research'. *Family Relations*, 55, 200–210.

- Harne, L. (2004) 'Childcare, Violence and Fathering – Are Violent Fathers who Look After their Children Likely to be Less Abusive?' In R. Klein and B. Wallner (eds), *Gender, Conflict and Violence*. Studien-Verlag: Vienna.
- Harne, L. (2011) *Violent Fathering and the Risks to Children: The Need for Change* Bristol: The Policy Press.
- Harrison, C., (2008) 'Implacably Hostile or Appropriately Protective? Women Managing Child Contact in the Context of Domestic Violence'. *Violence Against Women* 14(4), April 2008, 381–405.
- Hester, M. (2004) 'Future Trends and Developments – Violence against Women in Europe and East Asia'. *Violence Against Women* 10, 12.
- Hester, M and Harne, L (1996) 'Fatherhood , Children and Violence – The UK in an International Perspective'. In S. Watson and L. Doyal (eds) *Engendering Social Policy*. Open University Press: Milton Keynes.
- Hester, M., & Pearson, C. (1998) *From periphery to centre: Domestic violence work with abused children*. Policy Press: Bristol.
- Hester, M., and Radford, L. (1996) *Domestic violence and child contact arrangements in England and Denmark*. Policy Press: Bristol.
- Hester, M., Pearson, C, and Radford, L. (1997) *Domestic Violence: A National Survey of Court Welfare and Voluntary Sector Mediation Practice*. Policy Press: Bristol.
- HMICA (2006) *Promoting race equality: An inspection of the Children and Family Court Advisory and Support Service (CAFCASS) compliance with the statutory duty to promote race equality*. HMICA: London.
- Humphreys, C., and Harrison, C. (2003) Focusing on safety: Domestic violence and the role of child contact centres. *Child and Family Law Quarterly*, 15, 237–253.
- Humphreys, C., & Thiara, R., (2002) *Routes to safety: Protection issues facing abused women and children and the role of outreach services*. Women's Aid: Bristol, U.K.
- Hunt, J. and Roberts, C. (2004) 'Child Contact with Non-Resident Parents'. *Family Policy Briefing* 3, January, Department of Social Policy and Social Work: Oxford.
- Hunt, J. and Macleod, A. (2008) *Outcomes of applications to court for contact orders after parental separation or divorce*. Ministry of Justice: London.
- Izzidien, S. (2008) *I can't tell people what is happening at home': Domestic Abuse within South Asian Communities – The Specific Needs of Women, Children and Young People*. NSPCC: London.
- Jaffe, P.G., Lemon, N.K.D., & Poisson, S.E. (2003) *Child custody and domestic violence: A call for safety and accountability*. Sage: Thousand Oaks, CA.
- Johnston, J., & Roseby, V. (1997) *In the name of the child: A developmental approach to understanding and helping children of conflicted and violent divorce*. Free Press: New York.
- Judicial Statistics, (2003) *Annual Report 2003*. Department for Constitutional Affairs: London.
- Kelly, L. (1994) 'The interconnectedness of domestic violence and child abuse: Challenges for research, policy and practice'. In A. Mullender and R. Morley (eds), *Children living with domestic violence: Putting men's abuse of women on the child care agenda*. Whiting and Birch: London.
- McCloskey, L., Figueredo, A., and Koss, P. (1995) 'The effects of systemic family violence on children's mental health'. *Child Development*, 66, 123–126.
- Mezey, G., and Bewley, S. (1997) 'Domestic violence and pregnancy'. *British Journal of Obstetrics and Gynaecology*, 104, 528–531.
- Mouj, A., (2008) *A Right to Exist: A Paper Looking at the Eradication of Specialist Services to BAMER Women and Children Fleeing Violence*. Imkaan: London.

Mullender, A., Hague, G., Imam, G., Kelly, L., Malos, E., and Regan, L. (2002) *Children's Perspective on Domestic Violence*. Sage: London.

Newiss, G., and Fairbrother, L. (2004) *Child abduction. Understanding police recorded crime statistics: Findings 225*. Home Office Research, Development and Statistics Directorate: London.

O'Sullivan, C.S., King, L.A., Levin-Russell, K., and Horowitz, E. (2006) *Supervised and unsupervised parental access in domestic violence cases: Court orders and consequences*. Final technical report submitted to the National Institute of Justice.

Patel, P. and Siddiqui, H. (2010) 'Shrinking Secular Spaces: Asian Women at the Intersect of Race, Religion and Gender'. In R.K. Thiara and A.K. Gill (eds) *Violence Against Women in South Asian Communities: Issues for Policy and Practice*. Jessica Kingsley Publishers: London.

Peacey, V., and Hunt, J. (2009) *I'm not saying it was easy Contact problems in separated families*. Gingerbread: London.

Prevatt Goldstein, B. (2009) 'Why we should listen: Good practice with black minority ethnic families.' Presentation at *What Do Children Need? Working with Families Involved with the Family Court*. CAFCASS Research Conference, Birmingham, 27 February.

Quereshi, T., Berridge, D. and Wenman, H. (2000) *Where to Turn? Family support for South Asian communities – A case study*. Joseph Rowntree Foundation, National Children's Bureau: London.

Ramos, M.D., and Runner, M. (1999) *Cultural considerations in domestic violence cases: A national judges benchbook*. Family Violence Prevention Fund: San Francisco.

Radford, L., & Hester, M. (2006) *Mothering Through Domestic Violence*. Jessica Kingsley Publishers: London.

Radford, L., Sayer, S., & AMICA. (1999) *Unreasonable fears? Child contact in the context of domestic violence: A survey of mothers' perception of harm*. Women's Aid Federation of England: Bristol.

Radford, L., Blacklock, N. and Iwi, K. (2006) 'Domestic Risk Assessment and Safety Planning in Child Protection – Assessing Perpetrators'. In C. Humphreys and N. Stanley (eds) *Social Work and Child Protection*. Jessica Kingsley Publishers: London.

Richards, L. (2003) *Findings from the multi-agency domestic violence murder reviews in London*. Metropolitan Police: London.

Rossmann, R. (2001) 'Longer Term Effects of Children's Exposure to Domestic Violence'. In S. Graham-Burmann and J. Edleson (eds), *Domestic Violence in the Lives of Children: The Future of Research, Intervention and Social Policy*. American Psychological Association: Washington.

Roy, S. (2008) *No Recourse – No Duty to Care – Experiences of BAMER Women and Children affected by Domestic Violence and Insecure Immigration Status in the UK*. Imkaan: London.

Saunders, H. (2001) *Making contact worse*. Women's Aid Federation of England: Bristol.

Saunders, H. (2004) *Twenty-nine child homicides: Lessons still to be learnt on domestic violence and child protection*. Women's Aid Federation of England: Bristol.

Sharma, K., and Gill, A. (2010) 'Protection for All? The Failures of the Domestic Violence Rule for (Im)migrant Women'. In Thiara, R., Gill, A. (eds) *Violence Against South Asian Women: Issues for Policy and Practice*, London: Jessica Kingsley Publishers.

Smart, C. (2004) 'Equal shares: Rights for children or recognition for children?' *Critical Social Policy*, 24, 484–503.

Stanley, N., Miller, P., Richardson Foster, H. & Thomson, G. (2011) 'A stop-start response: Social Services' interventions with children and families notified following domestic violence incidents'. In *British Journal of Social Work* 41 (2) 296–313.

Straus, M.A. (1983) 'Ordinary violence, child abuse, and wife beating: What do they have in common?' In D. Finkelhor, R. J. Gelles, G.T. Hotaling, and M.A. Straus (eds), *The dark side of families: Current family violence research*. Sage: Newbury Park, CA.

- Sturge, C. and Glaser, D. (2000) 'Contact and Domestic violence: The experts' court report.' *Family Law* 30, September, 615–29.
- Thiara, R.K., (2010) 'Continuing Control, Child Contact and Post-separation Violence.' In R.K. Thiara and A.K. Gill (eds) *Violence Against Women in South Asian Communities: Issues for Policy and Practice*. Jessica Kingsley Publishers: London.
- Thiara, R.K. (2005) *The Need for Specialist Domestic Violence Services for Asian Women and Children*. London: Imkaan: London.
- Thiara R.K., and Breslin, R. (2006) 'Black and minority ethnic children and domestic violence.' *Community Care*, November, 32–33.
- Thiara, R.K., Humphreys, C., Skamballis, A. and Mullender, A. (2006) *Talking to My Mum: Developing Communication between Mothers and their Children in the Aftermath of Domestic Violence. Report of Key Findings*. Centre for the Study of Safety and Well-being, University of Warwick.
- Thiara, R.K and Roy, S. (2009) *BAMER Women and Children and Domestic Violence: Recent Findings*. Imkaan: London.
- Wolfe, D.A., Crooks, V.L., McIntyre-Smith, A., and Jaffe, P.G. (2004) 'The effects of children's exposure to domestic violence: A meta-analysis and critique.' *Clinical Child and Family Psychology Review*, 6, 171–187.
- Wilson, A. (2006) *Dreams, Questions, Struggles: South Asian Women in Britain*. Pluto Press: London.

