



Cafcass Cymru

Harmful Conflict: Additional Research And Resources For Working With Cases Featuring Harmful Conflict



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Additional Research and Resources for Working with Cases Featuring Harmful Conflict

1. Harmful Conflict And How We Can Define It

This document is supplementary to the Cafcass Cymru Harmful Conflict Practice Guidance for any Family Court Advisor (FCA) wishing to read more around the research underpinning our understanding of harmful conflict.

Definitions:

Some work has focussed on identifying the level of conflict, and used this as a basis for formulating recommendations to the Court and options for intervention. An example of this would be the work of Weeks and Treat¹ which made the following distinctions:

- ▶ Low-level conflict is generally issue-focussed. While the parents may have clear differences or preferences, they are often able to negotiate a solution to the conflict.
- ▶ Medium-level conflict typically includes greater levels of blaming and may include patterns of relating carried over from experiences in their own family.
- ▶ High-level conflict is defined as having a “chronic quality” and a “high degree of emotional reactivity, blaming and vilification”.

A further model² which seeks to address levels of dysfunction and conflict in the couple relationship is that of Brian Cantwell whose model distinguishes between three categories:

- (a) ‘Temporarily dysfunctional’; a history of collaboration and some awareness of the impact of conflict on children.
- (b) ‘Significantly conflicted’; a volatile relationship, history of poor communication, a wish for a resolution but a need for clear written agreements.
- (c) ‘Stuck conflict’; an (often unconscious) interest in maintaining conflict, great difficulty putting children’s needs first, requiring firm court/social work control.

Johnston’s³ definition seeks to be comprehensive and states: *“High-conflict divorce is identified by ongoing disagreement over parenting, mutual distrust and blaming. Exchanges are marked by high hostility...The distinctive feature is the refusal to submit to one another’s rules, requests or demands. In this respect, power is balanced: neither is particularly afraid, or they tend to be similarly fearful of one another, intractable legal disputes are initiated by both parties.”*

¹ Weeks and Treat (2001) *Couples in treatment: techniques and approaches for effective practice*. (2nd Ed.). New York, NY: Brunner-Routledge.

² Cantwell, B (2007). Battling Parents: Are They Getting the Right Treatment? *Family Law*, 37 (8), 743-748

³ Johnston, 2006 Johnston, J. (2006). A child-centred approach to high-conflict and domestic-violence families: differential assessment and interventions. *Journal of Family Studies*, 12(1), 15-35.

While these models can be helpful in enabling us to consider how the adult is responding to the situation, which may inform partly how we plan our discussions with them, our focus must remain primarily on what is going on for the child.

It is important to distinguish between Harmful Conflict and situations of children resisting or refusing contact.

Cafcass Cymru commissioned a review of empirical research and case-law on the topic of 'parental alienation', defined as rejection of contact by a parent or child for no rational or justifiable reason (published April 2018). This review confirmed the lack of evidence for a syndrome or classification of parental alienation. The review has informed Cafcass Cymru's approach to assessing the impact on children when parents behave in ways that can alienate the other parent from their child's life. Alienating behaviours and child impact are discussed in depth in the Children's Resistance or Refusal to Spend Time with a Parent: Practice Guidance.

Link: [Review of research and case law on parental alienation](#)

Kelly & Johnston (2001) refer to children resisting contact with a parent after separation “for a variety of normal, realistic, and / or developmentally expectable reasons (including) ...resistance rooted primarily in the high-conflict marriage and divorce (e.g. fear or inability to cope with the high-conflict transition...)....(which) might arise from intense marital conflict and flawed marital dynamics in which the children were encouraged to take sides or carry hostile messages and might intensify following separation.”



Working With Children Impacted By Harmful Conflict

The Early Intervention Foundation has produced a guide on reducing the impact of inter-parental conflict on children. This work was led by Professor Gordon Harold (2016) and some of the key findings are as follows:

- The quality of the inter-parental relationship is increasingly recognised as a primary influence on effective parenting practices and children's long-term mental health and future life chances.
- Parents / couples who engage in frequent, intense and poorly resolved inter-parental conflict put children's mental health and long-term life chances at risk.
- Children of all ages can be affected by destructive inter-parental conflict, with effects evidenced across infancy, childhood, adolescence and adulthood.
- This echoes Kelly (2003) who stated that enduring parental conflict can violate children's core developmental needs and threaten their psychological growth.

There is some evidence that the gender of the child can affect how the child interprets the conflict, with girls being more likely to blame themselves or see the need to intervene. Also exposure to conflict is associated with greater risk for girls during adolescence, but associated with more risk for boys when they are younger (Harold and Sellers, 2018).

The 2018 Annual Research Review into inter-parental conflict and youth psychopathology⁴ highlights how children are affected by the ways in which their parents express and manage conflicts.

"Such is the evidence that inter-parental conflict adversely affects mental health outcomes for youth (children and adolescents), that the diagnostic condition 'child affected by parental relationship distress (CAPRD)' was introduced into the DSM-5, noting that children may react to parental intimate partner distress, parental intimate partner violence, acrimonious divorce and / or unfair disparagement of one parent by another, by evidencing heightened behavioural, cognitive, affective, or physical symptoms as a result of exposure to parental relationship distress" (Bernet, Wamboldt & Narrow, 2016)

The review refers to research dating back as far as the 1930s recognising that discord between parents has a potentially debilitating effect on children's mental health and development, in children of all ages.

⁴ Annual research review: Interparental conflict and youth psychopathology :an evidence review and practice focused update - Harold, G.t. and Sellers, R. The Journal of Child Psychology and Psychiatry 59:4 (2018), pp 374-402

The review identified evidence that children can be affected in the following ways:

- Sleep problems**
- Externalising problems including elevated symptoms of aggression, conduct problems, antisocial behaviour**
- Internalising problems including withdrawal, inhibition, fearfulness, anxiety, low self-esteem, depression and suicidality**
- Academic problems (particularly noted amongst children who tend to self-blame)**
- Social and interpersonal relationship problems**
- Physical health problems**
- Intergenerational transmission of psychopathology and relationship distress**

Research suggests that exposure to harmful conflict, particularly during toddlerhood and the preschool years, not only affects those children in adolescence and early adulthood, but may also make them more likely to be a perpetrator of relationship violence and victim of partner violence during early romantic relationships (Narayan et al 2013) and in later adulthood.



Factors which may help reduce the Impact of Conflict

- Individual resilience of the child.
- Parental warmth, praise and recognition of the child's experiences.
- Provision of an honest but sensitive shared parental narrative about the reasons for the separation.
- Beneficial relationships with siblings and / or wider family members. "Having a close grandparent relationship matters particularly for grandchildren whose parents have divorced. Grandparents from both sides of the family could be important resources for children, and good relationships with grandparents might help them to cope better with the divorce or separation of their parents." (Jappens, 2018)
- A positive relationship with an adult outside the home, such as a teacher or relative, has been found to protect against the psychological effects associated with exposure to inter-parental conflict (Harold and Sellers, 2018).
- A school counsellor or other supportive adult may help the child with safety planning or ways to boost their resilience and coping strategies.

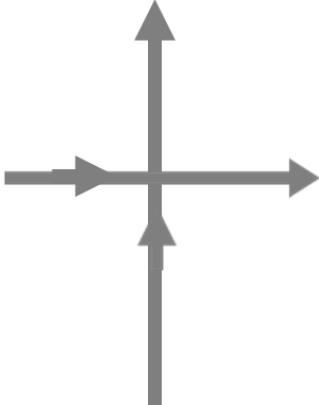
Research by Newman and Blackburn (2002) addressed resilience and defined resilient children as "better equipped to resist stress and adversity, cope with change and uncertainty, and to recover faster and more completely from traumatic events or episodes." They found that a key factor for children who have experienced severe adversities is their capacity to recognise any benefits that they have accrued, rather than only focussing on the negative effects of their experiences; i.e. children that showed some natural positivity and optimism which could then be a platform for growth and recovery.

Professor Sir Michael Rutter, a Professor of Child Psychiatry and leading researcher into child development and resilience, defined resilience as "an interactive concept that is concerned with the combination of serious risk experiences and a relatively positive psychological outcome despite those experiences" (Rutter, 2006), and noting that individuals might have very different outcomes despite having suffered the same experiences (Rutter, 2013). Among the theories that Rutter established through his extensive research, was that resilience is not purely just about an individual's psychological makeup, but that individual and possibly genetic traits may make some children more or less susceptible to the impact of environmental factors.



Resilience and Vulnerability Matrix

The [resilience and vulnerability matrix](#)⁵ is a helpful tool for considering the balance of adverse circumstances and risks facing a child in their situation, against those aspect of their life that may offer some protection and / or support

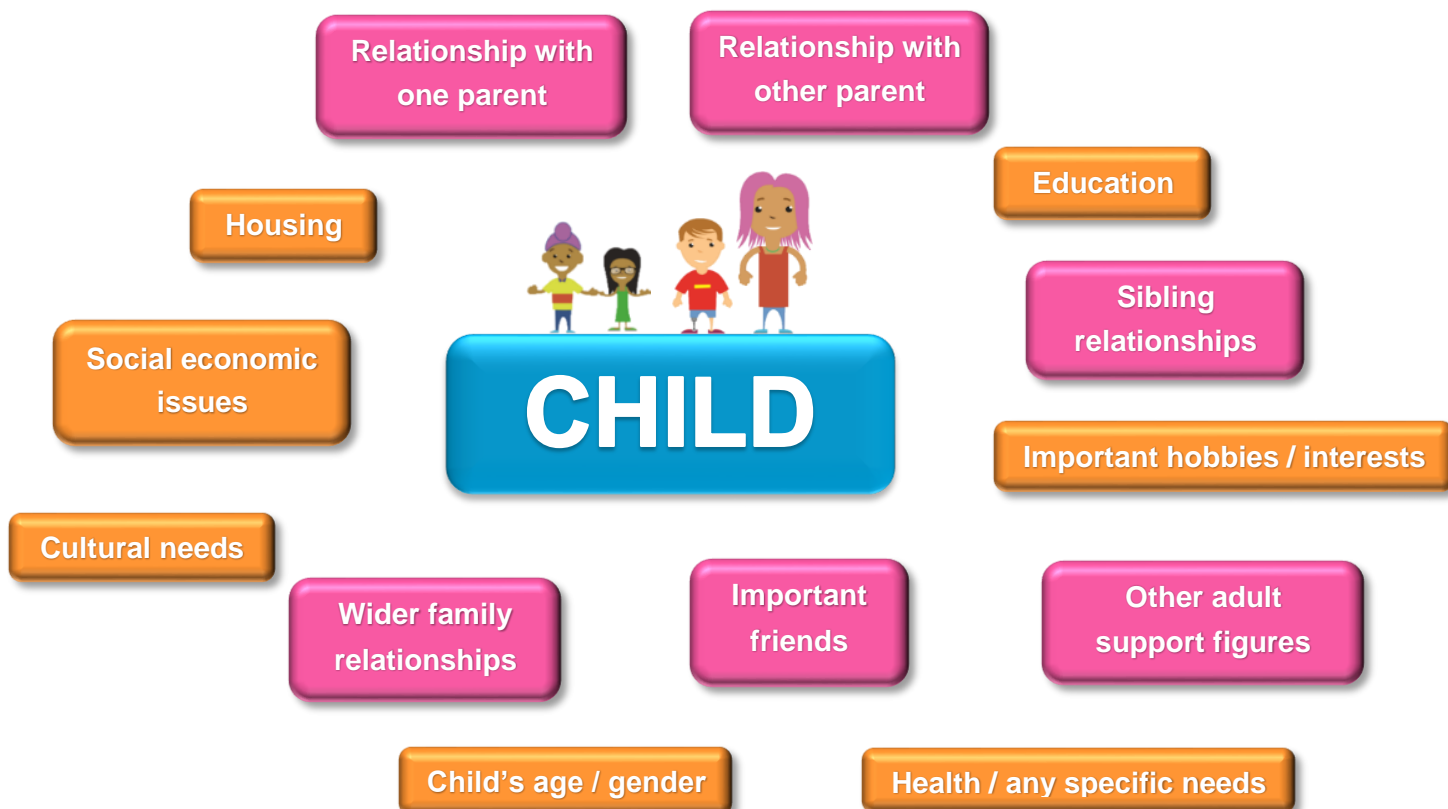
Resilient Child High Adversity	Resilience	Resilient Child Protective Environment
Comment:	<input type="checkbox"/> Older <input type="checkbox"/> Good attachment <input type="checkbox"/> Good self-esteem <input type="checkbox"/> Sociable – friends <input type="checkbox"/> Academic ability <input type="checkbox"/> Optimism about the future <input type="checkbox"/> Easy or flexible temperament <input type="checkbox"/> Problem solving skills <input type="checkbox"/> High emotional intelligence <input type="checkbox"/> Talents and interests <input type="checkbox"/> Understanding their history <input type="checkbox"/> Attractive appearance <input type="checkbox"/> Attractive personality <input type="checkbox"/> Warm parenting <input type="checkbox"/> Female <input type="checkbox"/> Healthy	Comment:
Adversity		Protective environment
<input type="checkbox"/> Bullied / Bully <input type="checkbox"/> Poor school experience <input type="checkbox"/> Serious life events or crisis <input type="checkbox"/> Illness, loss or bereavement <input type="checkbox"/> Separation / family breakdown <input type="checkbox"/> Domestic violence <input type="checkbox"/> Serious parental difficulties e.g. drug abuse, alcohol misuse <input type="checkbox"/> Parental mental illness <input type="checkbox"/> Parents ill / physical or learning disabled <input type="checkbox"/> Poor housing conditions <input type="checkbox"/> Material hardship / poverty <input type="checkbox"/> Anti-social influences / gangs		<input type="checkbox"/> Good school experience <input type="checkbox"/> At least one supportive parent <input type="checkbox"/> Another supportive adult as a mentor / positive role model <input type="checkbox"/> Special help with behavioural problems <input type="checkbox"/> Good community networks <input type="checkbox"/> Leisure activities <input type="checkbox"/> Talents and interests <input type="checkbox"/> Good housing <input type="checkbox"/> Financial security
Vulnerable Child High Adversity	Vulnerability	Vulnerable Child Protective Environment
Comment:	<input type="checkbox"/> Young <input type="checkbox"/> Poor attachment <input type="checkbox"/> Poor self-esteem <input type="checkbox"/> A loner / isolated <input type="checkbox"/> Poor academic ability <input type="checkbox"/> Pessimistic about the future <input type="checkbox"/> Challenging temperament <input type="checkbox"/> Minority status / Asylum seeker <input type="checkbox"/> Disabled <input type="checkbox"/> History of abuse <input type="checkbox"/> Institutional care <input type="checkbox"/> Early childhood trauma <input type="checkbox"/> Communication difficulties <input type="checkbox"/> Inconsistent / neglectful care <input type="checkbox"/> Male <input type="checkbox"/> Poor physical health	Comment:

⁵ [CAF03 Resilience & Vulnerability](#): Developed by Bruce Thornton and Associates, adapted from The Child's World (JKP), 'Child Development for Child Care and Protection Workers' (Gilligan, JKP) and 'Assessing and Promoting Resilience in Children' (Daniel and Wassell, JKP volumes 1-3).

2. Working With Children Impacted By Harmful Conflict

When working with children in these situations, the difficulties which they can be experiencing can be significant and concerning. However, it is important that you consider those presenting issues within the wider context of their life, and the additional factors which may exacerbate the difficulties or may provide some protection and support against them.

Consider how these elements impact the child's experience and help or hinder their ability to cope with their circumstances.



The Cafcass Cymru 'All About Me' tool considers resilience and helps with establishing harm that is relevant to harmful conflict. The tool can be used with children in its entirety, or in part.

Link: [All About Me: Tool](#)

Link: [All About Me: Guidance and Impact Tool](#)

The pages entitled 'My Strengths' and 'My Journey' are designed to encourage resilience in children by helping them to reflect on the positives in their lives, whilst also allowing them to talk about areas in their lives that are upsetting to them. The 'My Worries' and 'Feeling Safe' pages can be used to help you and the child explore any factors in their life that are affecting their well-being. They can also be used to explore the child's perception of any safeguarding issues and any factors that help them to feel safer.

It can help children to feel less alone if they have a way of linking with other young people who have been through similar situations. One organisation which enables this is 'Voices in the Middle'

<https://www.voicesinthemiddle.com/>

Using the Cafcass Cymru – Child and Adolescent Assessment Checklist (CC – CAWAC)

The Cafcass Cymru Child and Adolescent Welfare Assessment Checklist (CC – CAWAC) has been developed by Professor Gordon Harold, Professor in Psychology, in collaboration with Cafcass Cymru, underpinned by a research base which indicates that children exposed to frequent, intense and poorly resolved conflict are at increased risk for a variety of negative psychological outcomes.

The research underpinning the CC – CAWAC assesses the effects on inter-parental conflict through the following six primary domains:

- Psychological symptoms
- Perceptions of the inter-parental relationship
- Perceptions on the parent – child relationship
- Perceptions of closeness and support in other family relationships
- Perceptions of risk relating to inter-parental and parent-child relationships
- Perceptions of risk relating to general welfare and well-being

Children with Additional Needs

- You will need to be mindful that research evidence clearly indicates that disabled children are particularly vulnerable to abuse (see Community Care Inform practice guide to safeguarding disabled children⁶). Significant harm in the context of harmful conflict may take a form which a child with disabilities may find harder to articulate.
- It will be important in this instance to target the direct work tools planned at the child's functioning age rather than their chronological age. Reviewing the educational statement and /or liaising with the assessing psychologist or school may provide valuable insight into the ways that the child can be engaged and how the impact of harmful conflict on this child can be assessed. In particular, for an autistic child, both parents and school staff may provide valuable insight into the unique way in which this child understands the world. For ideas in engaging children with disabilities consider articles such as the Voice of the disabled child.⁷
- Barriers in understanding for children and parents who have learning difficulties can also be combined with other communication difficulties. Consideration should be given to the

⁶ Safeguarding disabled children: quick guide. Practice Guidance. *Community Care Inform*
<https://www.ccinform.co.uk/practice-guidance/safeguarding-disabled-children-quick-guide/>

⁷ Murray, P (2014) Voice of the disabled child. Practice Guidance. *Community Care Inform*
<https://www.ccinform.co.uk/practice-guidance/voice-of-the-disabled-child/>

need for an intermediary and access to specialist interpreting services e.g. Makaton or British Sign Language. Cafcass Cymru has a Translation and Interpretation [quick guide](#) which explains what you need to do when considering whether you need to access specialist interpreting services. In the most complex cases it is possible to access a specialist independent joint assessment for example; a social worker with safeguarding experience assesses jointly with a social worker who can sign in British Sign Language.

Children Who Have Been Adopted Or Born Through Surrogacy

- There can be additional complexities in situations where the child has come to the family via adoption or surrogacy.
- Most issues involving the separated parents of a 'surrogate' child are in relation to the biology (particularly relevant with same sex separated parents), with the parents in conflict sometimes engaged in disputes about whether one of them has more 'rights' to the child according to who has the biological connection.
- In law, once the Parental Order has been made the biological link that each of the two parents has or does not have to the child is no longer relevant. However, when working with such families, you need to consider the additional complexities of such circumstances.
- Once a Parental Order is granted, both parents (regardless of biology) are treated in law like any other legal parents and this wholly extinguishes the legal status of the surrogate.
- Difficulties can arise if separation occurs prior to the granting of the Parental Order (6 months post birth) and the biological parent is then in the superior position legally and the surrogate may need to be involved in proceedings.
- There are two main types of surrogacy;
 - 'Gestational' surrogacy – the child is unrelated biologically to the surrogate (one or more of the intended parents may be related biologically to the child).
 - 'Traditional' surrogacy – surrogate is biologically related to the child (one or none of the intended legal parents may be biologically related (i.e. the father) to the child. ([Cafcass England Surrogacy information webpage](#))
- The child of adopted separated parents is subjected to additional loss and heightened risk of emotional harm from high levels of inter-parental conflict, as the child has already experienced separation from their birth parents.
- The FCA may find it helpful to request the Annex A completed for the relevant Adoption/Parental Order application, to assist in assessment. This will help the FCA and both parents focus on the pre-conflict parenting capacity of both as assessed by the adoption service.



3. Working With Parents In Situations Of Harmful Conflict

Research around Working with Parents and Understanding what drives the Conflict

Key Points from Research to Inform Practice – Drivers Of Harmful Conflict

Kelly (2003) points to four types of factors 'driving' 'enduring disputes' (cited in Trinder and Hunt, 2011)

- ▶ *Behaviours that engender anger and mistrust.* For example, limited child-rearing participation, extramarital affairs, unreliable work histories, sexual addictions.
- ▶ *Nature of the separation,* with surprise separations being particularly problematic.
- ▶ *Personality factors* (including personality disorders and mental illness). Kelly (2003) cites Johnston and Campbell (1988) and her own research and experience to highlight the significance of parents with chronic and severe borderline, narcissistic and antisocial personality organisations, and that the risk of entrenched conflict is particularly high where both parents show characteristics of personality disorders.
- ▶ *Highly adversarial legal proceedings:* the proceedings themselves can become a factor in fuelling the conflict.

- Grych, Harold and Miles (2003) found that working with parents in a way that encouraged them to understand and learn ways of expressing conflict constructively and respectfully, in an emotionally modulated way, lowers the risk of their child experiencing distress.
- Sherrill et al (2017) found that if adults are caught up in conflict with the other party, they should be encouraged to reflect on how they are relating to their child, because there is a robust association between conflict between parents and conflict in the parent-child relationship(s).

Other very good resources for working with parents in these cases to help them consider the impact on their child, are:

Link: [Family Justice Young People's Board Top Tips](#)

and online resources which feature children giving their perspectives, such as the following videos:

Link: [What parents need to know from kids about divorce - COPE \(YouTube\)](#)

Link: [Voice of the Child of Divorce \(YouTube\)](#)

Thinking About Co-Parenting and Helping Parents To Work Together

- Co-parenting is not the same as a ‘shared care’ arrangement, which refers to the amount of time a child spends being split in some way between their parents. This type of arrangement may be in the child’s best interests but may also involve risks if the conflict is likely to reignite. Each child’s circumstances needs to be assessed individually rather than any formulaic response being relied on. As with other assessments, information relating to safety and emotional security, parenting and co-parenting quality, developmental issues and practical issues need to be analysed when considering the merits of a shared care arrangements (Drozd, Saini & Olesen 2016).
- Working out arrangements so that each parent plays an active part in parenting tasks, which play to their respective strengths, is likely to be beneficial for the child. One of the key points made by Braver & Lamb (2018) is that *“the amount of time involved is usually less important than the quality of the interaction that it fosters. Time distribution arrangements that ensure the involvement of both parents in important aspects of their children’s everyday lives and routines...are likely to keep non-resident parents playing psychologically important and central roles in the lives of their children.”*
- Parenting styles can vary significantly and this can become more noticeable at the point of separation, in respect of how permissive or authoritarian parents are, and this can contribute to children having two very different experiences in their respective parental homes.
- There is an increasing body of research about parenting style and some indications of cultural variations which impact on how applicable the definitions of different styles can be. Here are a few examples of some of the guidance that is around in respect of parenting styles:
 - *Parenting Styles: An Evidence Based Guide*
<https://www.parentingscience.com/parenting-styles.html>
 - *Parenting Styles and Child Behaviour*
<https://www.psychologyinaction.org/psychology-in-action-1/2018/4/23/k17ziyft1vy9tlytr9l9k48epdnur>
 - *What Kind Of Mum Or Dad Are You?*
<https://gov.wales/parenting-give-it-time/guidance-and-advice/parenting-tips/what-kind-of-mum-and-dad-are-you?>



A review of interventions designed to improve inter-parental relationships despite separation, found that programmes which targeted certain specific areas, could lead to associated improvements in parenting (even when parenting skills were not directly targeted) and could improve outcomes for children (Harold and Sellers, 2018). While there may not be programmes accredited by Cafcass Cymru here at this time (except for WT4C), considering the research about what areas of focus were linked with positive change can help you plan your discussions with parents:

- › Educating parents about the impact of parenting and inter-parental conflict.
- › Building motivation to strengthen the quality of parenting and not to undermine the other parent.
- › Skill-building which includes modelling and role-play.

Remember throughout your work that you are a valuable resource to the family in conflict:

- ▶ Showing and encouraging empathy and considering the alternative perspective.
- ▶ Enabling them to better understand what their child needs, and how to respond appropriately.
- ▶ Promoting channels of communication and longer term thinking and planning.



4. Useful Links and Tools

The Harmful Conflict working group reviewed a number of direct work tools, both from within Cafcass Cymru resources, and from external sources, to consider which were most helpful in working with cases of harmful conflict.

The tools suggested are to enhance and add to your professional judgement, not to replace it. You may wish to use additional tools alongside CC – CAWAC, or before or after using the CC - CAWAC.

Cafcass Cymru Parenting Plan

This can be helpful to enable parties to find common ground and focus on areas of agreement, once things are a little more settled in the case. Can be especially relevant once the adult parties have had some feedback from the child.

The document can be shared with parents prior to meeting with them together, to enable them to feel prepared about what will be asked of them and how they can make best use of the opportunity to express themselves whilst also considering their child's needs.

Link: [Cafcass Cymru Parenting Plan](#)

Cafcass Cymru Impact of Parental Conflict

A good tool to consider indicators of how things are impacting on the child. Can be used in conjunction with CC-CAWAC to help you analyse what you have discovered (can also work well in cases of children resisting or refusing contact).

Link: [Cafcass Cymru Impact of Parental Conflict Tool](#)



Further reading and additional resources can be found using the links below:

**Cafcass Cymru: Harmful
Conflict Resources and
Tools**

[Harmful Conflict Practice Guidance](#)

[Flow chart for working 16.4 cases](#)

['All About Me' Tool](#)

**Cafcass Cymru:
Operational Procedures
/ Guidance / Templates**

[Domestic Abuse: Practice Guidance](#)

[Children's Resistance Or Refusal To Spending Time
With A Parent: Practice Guidance](#)

[Finding of Fact Hearings & Amendments to Practice
Direction 12J Practice Guidance](#)

[CC-CAWAC](#)

[Safeguarding Procedure](#)

[Working Relationship Protocol between Cafcass
Cymru and ADSS Cymru](#)

[Cafcass Cymru's approach to engagement with
MARACs and Disclosure from Family Court
Proceedings](#)

[16A Risk Assessment Report Template](#)

[Assessment Toolkit](#)

External Resources

[Live Fear Free](#)

[WT4C Overview](#)

[Wales Safeguarding Procedures](#)

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