

**Committee for Justice, Domestic Abuse and Family Proceedings Bill
Record of Issues Raised by Individuals at Informal Meetings
Informal Meeting 3 July 2020 – Individual A**

Present: Paul Givan MLA, Chairman
Jemma Dolan MLA
Gordon Dunne MLA

In attendance: Kathy O'Hanlon, Senior Assistant Clerk
Allison Mealey, Clerical Officer

The Chairman, Mr Paul Givan MLA, Ms Jemma Dolan MLA and Mr Gordon Dunne MLA met with Individual A via video call to discuss his experience of domestic abuse and of the response by justice bodies/agencies and others.

Personal experience of domestic abuse

Individual A detailed being in an abusive relationship with the mother of his child which often led to her denying him access to their child when the couple were arguing. He explained that he and mother of his child split up but were still spending time together with their child. Soon after his ex-partner started a new relationship, Individual A received a phone call informing him that his ex-partner had contacted his daughter's nursery and told them his daughter had said he was hitting her so he was not allowed to see the child anymore.

He quickly received a solicitor's letter then was contacted by Social Services who suggested that he do parental work on appropriate disciplining; he declined to do this, having not hit his child in the first place. An investigation into this incident lasted for three months and was subsequently closed. During this time, Individual A, against advice, tried to get contact with his child and he is certain that had he not attempted this at that time, he would not have gotten contact with his daughter again.

Individual A said he had been told that his child had said she was afraid of him and didn't want to see him, but when he visited his child's nursery she ran into his arms with no hesitation. The nursery staff therefore told him they would write a letter for the court stating that they had not witnessed any fear towards the father from his child on the contrary a loving relationship. A Court Welfare Officer observed each visit with his daughter and she showed no fear towards her father.

Individual A stated that at one court date, the mother of his child advised the court that, while she and the child were still afraid of him and she did not want him having access to his child, she would allow one visit every two weeks. The Judge questioned why she was agreeing to any visitation if she was so afraid of Individual A. Individual A was awarded four days per week with his daughter and had contact from 2012-2017.

Social workers became involved after Individual A's son with his new partner told his nursery that his father had put him into the boot of a car (this incident happened when Individual A and his son were playing). Social Services interviewed his daughter and she said she was happy and no problems were reported but when they contacted his daughter's mother to let

them know they had spoken to his daughter she said she was not happy that his daughter was in his care. This was grounds for his daughter to be given a second interview. The interview would not take place for six days and Individual A's daughter was removed from his care in the meantime. After six days in her mother's care, despite 5 years of happiness and the previous interview saying there were no problems and she was happy, his daughter's second interview again alleged physical abuse and said she was never happy in her father's care.

In the years that followed Individual A has been accused a number of times of physical abuse and when those allegations were dealt with it took 18 months to get a hearing date to deal with the fact his ex-partner was withholding contact and ignoring his joint residence order. Two weeks before the hearing his ex-partner rang police and reported that his daughter was now saying he had been sexually abusing his child (though Individual A's ex-partner refused to allow his daughter to be examined in relation to such allegations). Each time an accusation has been made it must be investigated, which means that court proceedings for contact cannot proceed. The investigations have been closed as there has been no evidence to substantiate the allegations.

Individual A advises that nothing has been done with regard to false allegations, even though he has provided the PSNI with evidence that they are false (work rotas were provided to prove that the accused could not have been there when the alleged incidents took place.) His ex-partner has said that it is his daughter and not her who is making the allegations, and Individual A feels that to investigate a child in that way would 'destroy them'. He has the transcript of an ABE (Achieving Best Evidence) interview which he believes proves that his daughter was being coached in interviews by the social workers involved. After saying in her first interview that there were no problems with her relationship and home life with her father, social workers went on to tell her about reports her mother had made and during ABE interview it states clearly that "she did not see these things happen but a social worker told me about them." Complaints were made about this but ignored by both the Ombudsman and Trust complaints procedure.

The allegations have also impacted on Individual A's current relationship and the children he and his girlfriend have together. His girlfriend works in [REDACTED] and lost a job due to the allegations and has not been able to take other jobs during the 2 years which it took to investigate the sexual abuse allegations. As allegations had been made against both him and his girlfriend, they had to agree to 24-hour supervision of them with their two sons to be carried out by family members, otherwise the children would be removed from their care and put into two separate foster homes. Due to the Covid-19 pandemic, family members have not been able to provide the 24-hour supervision and the Trust tried to remove the children into care again but failed, his partner was allowed to return home unsupervised but he has been banned from her address and is not allowed to see his children unsupervised in total now for 3 years while They wait for a fact finding hearing despite the criminal matter being closed by the PPS for the third time. Individual A feels this also highlights inequality in the system as his girlfriend, as co-accused, has their two sons with her while he is still not allowed contact with them as Covid 19 has stopped him getting back to court.

Individual A desperately wants to have contact with his daughter. However, his family are terrified of further accusations being made that will impact on them, as the accusation/investigation scenario could go on indefinitely.

Response by justice bodies/agencies and others

- The Bar Council has a 'no-delay' principle, but this has not been Individual A's experience of Family Court, as he has only been in court twice for reviews in a three-year period. He expressed concerns over the impact of delays on relationships between parents and children. The length of time it takes to get to court means that more allegations are made while the non-custodial parent tries to restart visitation.
- Individual A stated that his barrister told him that Joint Residence Orders aren't worth the paper they are written on.
- Individual A advised that he has been repeatedly told by the courts, 'this court has no power.' He understands that judges can currently take action – for example, by issuing penal notices – but this does not happen. Writing this into law will mean nothing if the people who are working in this system continue to say, 'this is just a flawed system but we have to work with it.'
- Individual A was assigned a trainee Social Worker to work on his case and a trainee is not necessarily best placed to deal with complex cases such as his. Individual A stated that Social Workers can be unapproachable and that he has experienced them losing documents relating to his case.
- Individual A feels that parental alienation is a taboo subject and that barristers wouldn't work with him due to his use of that term. 'Implacable hostility' seems to be the preferred term.
- Individual A feels that he has been treated like a lesser person throughout despite not being prosecuted or found to have done anything wrong.
- Individual A found the assistance from the PSNI to be terrible and believes his daughter was coached in interviews. He feels like he was treated like a child abuser by the PSNI and social services and there is no impartiality in the system.
- Individual A made a complaint to the Police Ombudsman but there was a delay of a year in investigating the complaint, which meant that the officer(s) involved were able to say that recollection of the case was difficult after that time. When making a second complaint about them not assisting him in investigating the allegations against him that would help prove his innocence he received a letter after 3 months to say the complaint was found not to be true and was closed without ever being spoken to by anyone from the ombudsman.

- Individual A suggested that support groups are not doing enough and are unable to resolve issues. He was offered counselling and anger management sessions and was told there are people much worse off than him.

What needs to change?

- Individual A would like to see a coercive control offence created as it would have likely assisted with his case.
- Stopping a parent from seeing their child must be seen as a sign of abuse. A person should not be able to destroy another person's life or new partners out of bitterness as well as their own child's.
- Individual A said that Police using body cameras when they are called out would be useful evidence as reports can be interpreted poorly by human error or even deliberately altered.
- Individual A queried that even if legislation is brought forward, how are the Police going to investigate parental alienation?
- Penalties need to be enforced - what has to happen for this to be done? The law exists now but it is not used. Even in the case where allegations are proved not to be possible there is no pursuing perverting the course of justice or malicious prosecution? Why not?
- There should be sanctions where allegations against a parent are found to be malicious. More effort needs to be put into investigating rather than dismissing everything out of hand.