



The Super Listener was designed by children and young people with experience of domestic abuse, as part of *Power Up/Power Down*, a participatory project exploring how to improve court ordered contact processes for children. The children who took part felt that it was important that all adults working with children know what makes a Super Listener. *Power Up/Power Down* was a partnership project between Scottish Women's Aid and the Children and Young People's Commissioner for Scotland.

Scottish Women's Aid (SWA) is the lead organisation in Scotland working to eradicate domestic abuse. Our network of 36 Women's Aid specialist services include advocacy services for children and young people (CYP) experiencing domestic abuse. We wish to remind the committee that domestic abuse is reported in the majority of S.11 cases.¹

We believe that it is of pivotal importance for CYP to be able to share their views on the matters that affect them, and we welcome provisions made in the Children (Scotland) Act 2020 to enable this. The provision regarding child advocacy services is particularly welcome, as this is something that CYP, particularly those who have experienced domestic abuse, have consistently highlighted the need for.²

¹ Mackay, K. (2013) The treatment of the views of children in private law child contact disputes where there is a history of domestic abuse, Scotland's Commissioner for Children and Young People, <http://www.sccyp.org.uk/ufiles/views-of-children-and-domestic-abuse.pdf>

² Yello! (2019) written response to the Justice Committee's Call for Views on the Children (Scotland) Bill <https://womensaid.scot/wp-content/uploads/2019/12/Yello-Response-to-Children-Scotland-Bill-call-for-views.pdf>, SWA, University of Edinburgh, Rape Crisis Scotland, Barnardos and Scottish Youth Parliament (2018) Everyday Heroes Justice Report, Priority 3 <https://everydayheroes.sps.ed.ac.uk/wp->

As outlined in the petition, the Children (Scotland) Act 2020 introduced regulation of a number of professionals including child welfare reporters, which is likely to include, amongst other elements, training requirements on domestic abuse and coercive control.³ We welcome discussions on whether similar regulatory mechanisms could apply to child advocacy services. CYP deserve to be represented by ‘Super Listeners’ (image above),⁴ who understand their roles and responsibilities, who are skilled in listening and relaying information, and who put the child first. We believe the content of this petition attacks several fundamental principles of the advocacy CYP are seeking.

The petition states, ‘We believe child advocacy services approach their work from inherently prejudiced assumptions’. We believe this is a fundamental misunderstanding of what child advocacy services do, which is representing the views of the child. Facilitating children’s meaningful participation may result in views being relayed that are difficult or surprising for other parties to hear. This does not mean that these views are a result of organisational involvement. UK research indicates⁵ that children usually have very well thought out reasons for objecting to contact.⁵ CYP may understandably have fears in disclosing these reasons, particularly in domestic abuse cases, and they have been clear that having a trusting relationship with a support/advocacy worker helps.⁶ We agree with the Scottish Government that having multiple advocacy workers is not in the child’s best interests⁷; if a child is already accessing an advocacy service, we believe they should be permitted to choose this worker as their advocate, rather than be assigned one.

We also feel this statement undermines the professionalism of many workers and organisations undertaking this work. Women’s Aid workers operate to and are regulated by the Care Inspectorate’s National Care Standards, the SSSC Codes of Practice for Employers of Social Service Workers, the Women’s Aid National Service Standards, the requirements of OSCR, the Protecting Vulnerable Groups (PVG) scheme and other relevant legislation depending on services provided.

The petition states ‘Child advocacy services refuse to communicate with the affected parent to set out what the allegations are’. In cases involving domestic abuse, we know confidentiality is particularly important to CYP: in their work on the Children (Scotland) Act, Yello!, an expert group of young survivors said, ‘Children’s views

[content/uploads/2018/11/everydayheroes-briefing2-Justice.pdf](https://www.womensaid.scot/project/power-up-power-down/); SWA and Children and Young People’s Commissioner Scotland (2017) Power Up/Power Down <https://womensaid.scot/project/power-up-power-down/>;

³ Children (Scotland) Bill Financial Memorandum, para. 32:

[https://www.parliament.scot/S5_Bills/Children%20\(Scotland\)%20Bill/SPBill52FMS052019.pdf](https://www.parliament.scot/S5_Bills/Children%20(Scotland)%20Bill/SPBill52FMS052019.pdf)

⁴ SWA and Children and Young People’s Commissioner Scotland (2017) Power Up/Power Down <https://womensaid.scot/project/power-up-power-down/>; <https://blogs.ed.ac.uk/cysrg/2020/02/11/are-you-a-super-listener/>

⁵ Fortin, J., Hunt, J., & Scanlan, L. (2012). ‘Taking a longer view of contact: The perspectives of young adults who experienced parental separation in their youth.’ Brighton: Sussex Law School.

⁶ Yello! (2019) written response to the Justice Committee’s Call for Views on the Children (Scotland) Bill <https://womensaid.scot/wp-content/uploads/2019/12/Yello-Response-to-Children-Scotland-Bill-call-for-views.pdf>; SWA, University of Edinburgh, Rape Crisis Scotland, Barnardos and Scottish Youth Parliament (2018) Everyday Heroes Justice Report, Priority 3 <https://everydayheroes.sps.ed.ac.uk/wp-content/uploads/2018/11/everydayheroes-briefing2-Justice.pdf>; SWA and Children and Young People’s Commissioner Scotland (2017) Power Up/Power Down <https://womensaid.scot/project/power-up-power-down/>;

⁷ Scottish Government (2019) Family Justice Modernisation Strategy para 2.23

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2019/09/family-justice-modernisation-strategy/documents/family-justice-modernisation-strategy/family-justice-modernisation-strategy/govscot%3Adocument/family-justice-modernisation-strategy.pdf>

shouldn't be shared with anyone the child doesn't want to see them. A child's right to privacy is more important than the adult's need to know what is going on.⁸

The petition states that child advocacy services 'may facilitate manipulation of one parent against the other. At worst they may be complicit in coercive control as set out in the Domestic Abuse (Scotland) Act 2018'. SWA is Scotland's national domestic abuse charity; thousands of women, children and young people use our services every day. There is no evidence that our services, or indeed those provided by sister organisations such as Children 1st, are complicit in coercive control. Far greater risk is posed to survivors by unsafe contact arrangements made when children's views are disregarded,⁹ and abusers use false allegations of what is oft labelled 'parental alienation'. Allegations of parental alienation threaten children's participation rights,¹⁰ silence their accounts of domestic abuse, and re-traumatise survivors.¹¹ We wish to remind the committee that 'parental alienation syndrome' has been removed from the International Classification of Diseases 11th Revision,¹² due to concerns raised to the World Health Organisation by 352 international experts and organisations.¹³

The Children (Scotland) Act implements an advocacy provision to strengthen children's participation, a measure which CYP have long asked for. To attack advocacy services based on unfounded mistrust of professionals, disregarding the experiences of CYP, is one step forward and two steps back for implementing children's participation rights.

In conclusion, we welcome discussion on the regulation of child advocacy services to ensure they are the best they can be for CYP in Scotland: a discussion that seeks to implement children's participation rights, not curtail them.

⁸ Yello! (2019) written response to the Justice Committee's Call for Views on the Children (Scotland) Bill <https://womensaid.scot/wp-content/uploads/2019/12/Yello-Response-to-Children-Scotland-Bill-call-for-views.pdf>

⁹ SWA (2017), Briefing: Domestic Abuse and Child Contact <https://womensaid.scot/wp-content/uploads/2018/08/SWA-Briefing-Child-Contact.pdf>

¹⁰ E. Kay M. Tisdall, Fiona Morrison & Judy Warburton (2021): Challenging undue influence? Rethinking children's participation in contested child contact, Journal of Social Welfare and Family Law, DOI: 10.1080/09649069.2021.1876305

¹¹ Meier, Joan S (2013). Parental Alienation Syndrome and Parental Alienation: a Research Review. Harrisburg, PA: VAWnet. https://vawnet.org/sites/default/files/materials/files/2016-09/AR_PASUpdate.pdf

¹² <https://reseauiml.wordpress.com/2020/02/23/world-health-organization-removes-parental-alienation-from-its-classification-index/#:~:text=Parental%20alienation%20has%20been%20removed,valid%20or%20meaningful%20health%20statistics.>

¹³ <http://www.learningtoendabuse.ca/collective-memo-of-concern-to-WHO-about-parental-alienation.html>