

**PE1838/K**

Petitioner submission of 18 February 2021

We are gratified that so many of the submissions support some form of transparency and supervision of non-statutory child advocacy services. We hope this encourages the Committee to recommend the Scottish Government take it on as a matter of urgency.

We wish to address several points that arise from the submission by Scottish Women's Aid, which are echoed in some other submissions.

We are concerned by the evident resistance of the author to acknowledge to the Committee that there are any issues of merit in our petition, and disturbed by the flat denial that children's workers could become even by accident, complicit in the creation of a false narrative or even false facts that might influence a child's understanding of his or her situation.

The Scottish Women's Aid response asserts, "We wish to remind the committee that domestic abuse is reported in the majority of S.11 cases".

We have seen this assertion repeated often during Scottish Parliament debates and committee evidence sessions over the years. The Scottish Women's Aid response adds a footnote by way of authority referring to research carried out by Dr Kirsteen Mackay but Dr Kirsteen Mackay's research simply does not say that.

We have not seen the entirety of her research. We have seen the summary published as Briefing 65 by the Edinburgh University Centre for Research on Families and Relationships (January 2013). The briefing was written by Dr Mackay herself so we take it to be accurate. In the box headed 'Key Points' the very first point is "ALMOST half of contact cases before the courts involved ALLEGATIONS of domestic abuse." (Our capitals and emphasis).

It is no criticism of Dr Mackay that her careful use of words has been repeatedly misrepresented in this Parliament and elsewhere over many years. In our view the constant repetition has been a corrosive influence on debate on a wide range of matters.

Dr Mackay's research was into how the views of children were taken in the course of a sample of contact/residence actions taken from two sheriff courts in 2007, shortly after the 2006 Family Law (Scotland) Act came into force. It was published in 2013. This is a very important issue and her work is invaluable in contributing to the debate about what has become known as 'the voice of the child' but we cannot imagine that she would consider it to be the last word on the matter 14 years later. We are not told in the briefing paper how many of those allegations were substantiated or otherwise by any form of due process. We referred in our initial submission to the research of Professor Tommy Mackay in this area which identified a high proportion of allegations as unfounded.

The apparent dislike of the word 'alleged' appears again in their paragraph dealing with our concern that child advocacy services refuse to communicate with the

affected parent to set out what the allegations are. Their response goes on, "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 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.'"

We saw during the debates on the Children (Scotland) Bill statements by a number of MSPs that they were intensely moved by the meeting that had been arranged by Scottish Women's Aid for the Yello! group. It is not our aim to question the authenticity of the experiences of these children or the way they conveyed them to MSPs or to undermine them in any way whatsoever. We would urge the Committee, however, to suggest to the Scottish Government that independent research should be commissioned to include children who may have had a different experience when one parent may not have been acting in their best interests.

We think the dismissal of "the adult's need to know what is going on" should send a shiver up the spine of any democratic legislature with an interest in the right to a fair hearing.

Finally, the Scottish Women's Aid response aims to direct the Committee away from the issue of parental alienation and into an assertion that it is concept only used by abusers to continue their abuse. There is a footnote reference to research in the United States in this area by Joan Meier. The Committee should note that Professor Meier's methodology and findings are also not the last word. The methodology and findings in her more recent 2019 research have been directly challenged by Harman and Lorandos. [Allegations of family violence in court: How parental alienation affects judicial outcomes. Psychology, Public Policy, and Law. Advance online publication. <http://dx.doi.org/10.1037/law0000301>].