



Harmful conflict: a structured guide

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Introduction

This guide has been created to support the Family Court Adviser's (FCA) identification of harmful conflict where it is a feature. It supports the FCA's structured professional analysis and assessment of the risk and child impact throughout the duration of a case.

The guide forms part of the Child Impact Assessment Framework, which sets out how children may experience parental separation and how this can be understood and acted on by Cafcass. Together with the Underlying Principles of Private Law Assessment, the guide applies throughout all cases where harmful conflict arises. Other parts of the Child Impact Assessment Framework may also be applicable and all relevant factors for the child need to be considered as the assessment progresses.

When using this harmful conflict guide, FCAs should [refer to the resources for direct work with children](#) (see the 'Considering the child's wishes and feelings' section).

As with all assessments, the case analysis should begin with and follow what is happening for each child in terms of risk and impact of their experiences:

Key practice points	
Consider: child impact and risk	<ul style="list-style-type: none">• What has been happening for this child? - Past• What is happening now? - Present• What might happen? - Future• How likely is it to be repeated? - Risk• How serious would it be? - Impact on the child

Set clear expectations with the parents that the focus of your work will be on the impact on the child. These [templated letters of expectation](#) can assist with this. The versions of the letters for younger children and older young people aim to ensure that they know what to expect from Cafcass and that we also aim for them to be active participants in their own case.

Context and definitions

- While some conflict is likely when relationships breakdown, this will subside within one or two years for most people who are separating or divorcing.
- Acrimonious separation, where the conflict does not subside, or which is at an intense level from the outset, constitutes about one third of separations, with 8-12% resorting to the family courts (McIntosh, 2003).
- As with all forms of harm to children, conflict can vary in nature, intensity and impact. Cafcass uses the term 'harmful conflict' to encompass conflict of any level which is detrimental to the child's wellbeing, and to bring the focus to the impact on and experience of the child. Identifying the level of conflict and assessing its impact on each child will help with formulating recommendations to the court and options for intervention and support:

Low-level conflict is generally issue-focused. 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" (Weeks & Treat, 2001).

- Johnston's (2006) definition is comprehensive: *"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."*
- While the intensity of conflict may vary, this will have different impact for each individual child depending on their level of resilience and vulnerability, and their circumstances.

Note: The terms implacable hostility and enduring or entrenched conflict generally refer to the persistence of the issues and the likelihood of cumulative harm to the child due to the ongoing nature of their exposure to this.

Key points from research - to inform practice

- Divorce is not always harmful. Some degree of conflict is 'normal' and if it is successfully resolved allows children to learn from this.
- Poor child outcomes associated with separation and divorce can be mitigated if conflict is resolved or parents explain to children that the conflict is not their fault.
- Enduring parental conflict is a more potent predictor of child adjustment than divorce or separation.
- The fact that some children have been shown to prosper after living with conflict after separation suggests that it may be helpful or harmful, dependent on whether it adds or removes **stress and trauma** in children's lives, and on a range of other individual and family characteristics. (McIntosh, 2003).
- The impact of separation is higher for those children already vulnerable through other factors (Emery, 1999).
- The Early Intervention Foundation has produced a guide on reducing the impact of interparental conflict on children. This work was led by Professor Gordon Harald (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 conflicts 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.

Children's experiences of harmful conflict

- Children are often preoccupied with surviving the emotionally volatile climate in their divided family.
- They are often confused and burdened by divided loyalties.
- They may suffer anxiety or depression.
- Common emotions include anger, grief, sadness and guilt – a tendency to blame themselves.
- Children may suffer loneliness.
- They may experience changes in behaviour, heightened aggression or withdrawal, loss of appetite, and disrupted sleep.
- The impact of harmful conflict may be worse for preschool children due to the number and difficulty of developmental tasks facing children at this stage.
- Studies involving families from diverse cultural and ethnic backgrounds have found similar associations between conflict and poor child outcomes as studies with families from less diverse backgrounds (Harold, 2018).

Factors which 'buffer' 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 school counsellor or other supportive adult may help the child with safety planning or ways to boost their resilience and coping strategies.

In my shoes – experiences of young people in their own words

Maddy: “I took a piece of paper to my meeting with the Cafcass lady. I had been folding and refolding it and it was ripped. The contact arrangements I was thinking of were written on the paper, but I couldn’t read them anymore. I was feeling like I was responsible for making sure everyone was happy. I didn’t want to say what I wanted, and I didn’t really know anymore what that was. Having to make the decisions felt like a massive weight on top of me.”

Gregory: “I was worrying all the time at school, for example if my mum and dad came together for parents’ evening they would argue and tell the teachers different things about me and I would want to shrivel up and die. I couldn’t concentrate and was fidgeting, and my marks that year were really bad.”

Duane: “The worst thing was my mum and dad slagging each other off on social media and everyone else getting involved. All my friends could see it too and I didn’t want to know all that detail.”

*Please note that these real-life stories are anonymised to protect the identity of the young people.

Distinguish between harmful conflict, domestic abuse and alienation

- Conflict is not the same as domestic abuse or alienation.
- **Distinguishing conflict from domestic abuse** Johnston 1994 states: “*An abusive relationship is a pattern of control, domination, and humiliation using physical violence and threat of being hurt. It includes emotional abuse: inducing fear for oneself and loved ones, attacks upon self-esteem and dignity, signifying the degradation of the person. It may include sexual coercion and rape. Control is often maintained by the abuser insisting on unilateral financial and other decision-making, sole child-rearing authority, and socially isolating or restricting the victim’s contacts with the outside world. After separation the abuser uses legal disputes over the children to harass and punish*”.
- Use the [Distinguishing Domestic Abuse and Harmful Conflict Screening Tool](#) to distinguish between them. This tool is designed to be used early in the life of a case to assist in deciding which will be of most assistance in your assessment: the purple domestic abuse tools and guidance or the orange harmful conflict tools and guidance. It is not designed to be a diagnostic tool in and of itself and does not replace professional judgement.

Important: If domestic abuse or other forms of harmful parenting, such as drug or alcohol misuse, is the key case factor, do not undertake dispute resolution or other forms of conflict reduction intervention referred to in the menu of options below. For cases featuring domestic abuse, refer to the [Domestic Abuse Practice Pathway](#).

- **Distinguishing between conflict and alienation** Kelly & Johnston (2001) states: “*It is critical to differentiate the alienated child from other children who also resist contact with a parent after separation but 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.*”

If alienation is a potential feature in a case, refer to the [tools and guidance on resistance/refusal guide](#).

The following behaviours or features are commonly accepted as the range of **indicators to identify harmful conflict between parties**:

- A high degree of anger and mistrust
- Incidents of verbal abuse
- Ongoing difficulties in communication and cooperation
- Loss of focus on the child
- 'Digging in of position' and no ability to compromise, such as micro managing contact and communication
- The child, dependent on age, may be drawn into managing the parent's communication and behaviours
- Lengthy proceedings or repeat litigation
- Can include physical aggression. Please refer to the [tools and guidance on domestic abuse](#) and the definition of situational couple violence (SCV) and use the SCV guidance to help distinguish and identify when this is present.
- Can include behaviour resulting in the child 'taking sides' or opting out. Please also refer to [the tools and guidance on child resistance and refusal](#).

- If harmful conflict appears to be the primary factor and the case has been fully screened for other risk issues and factors as outlined above, proceed with use of this guide. Refer back to the other guides as necessary when issues arise in a case.
- Keep in mind the opportunity to help the family reduce the level of conflict and work towards cooperative parenting at all stages of the case, if safe to do so. Look for opportunity for dispute resolution or other interventions referred to in the menu of options listed below in the menu of options below.

Assess pre and post-separation relationships

- Use your case plan to map out how you will gather information from parents, children and professionals to answer the following questions and inform your recommendations:
 - Was there a pre-existing relationship with the other parent?
 - All families have a unique cultural map, so plan to gather information about issues such as: differences in parenting practices which are culturally informed; stigma attached to divorce; attitudes and support from wider social networks; and the child's unique place and role within the family.
 - Was the conflict an enduring feature impacting on the child or has it occurred primarily post-separation?
 - How were the parenting tasks and responsibilities shared before separation?
 - How does the child and each parent describe the parent-child relationships before and after separation?
 - What is the capacity of each parent to meet the child's developmental needs, particularly their emotional needs, in light of the separation?
 - Does the child have any additional or complex needs? If so, what has been the role of each parent in meeting these needs, and what will these roles be in the future?
- Consider using the tool on [parenting styles](#) to help assess how differing approaches to parenting may be impacting on the child's experience of navigating between both homes. This also helps consider whether this is also a factor fuelling the conflict.
- The impact on each individual child will differ according to their individual characteristics, background, resilience and vulnerability. Consider using the [tools on assessing resilience and vulnerability](#).

Consider the child's wishes and feelings

- Amplifying the child's voice above the adult conflict is a fundamental task. [The Cafcass Direct Work tools](#) should be used to work sensitively with each child. Ensure the assessment is carried out 'with the child' rather than done 'to them'.
- Let the child know how their views will be shared with their parents and ensure they are comfortable with this. Can you help them explain their own views to their parents?
- Consider using the ['Beliefs about Parental Divorce' tool](#) to help understand the child's beliefs about their parents' divorce.
- How is the child feeling and **thinking** about their parents' separation?
- Are there any factors impacting on the child's ability to express their wishes and feelings? If so, make appropriate arrangements to facilitate this. For example, involve a school counsellor.
- Consider using the guidance on ['Assessing children's and young people's wishes and feelings.'](#)
- Respectful child-centred practice requires us to report the child's views in full and directly, using their own words where possible and allowing them to be seen and heard in the court arena as directly as possible. For example, ensure their direct work is embedded into a report or by supporting them to write a letter to the judge if this is appropriate.
- Consider how you can advocate for the child and empower them to find their own coping strategies.
- If the child has been exposed to or is aware of the conflict in their family, there may be tension inherent between their wishes and feelings and their best interests.
- Consider the Family Justice Young People's Board [top tips for parents and](#) ask parents to consider this too.

Assess the impact of and drivers for conflict

In cases of harmful and enduring conflict, assess the drivers and factors that are causing this. Consider the following key points and questions:

- Who or what is driving the conflict?
- What are each parent's contributions to continuing hostility, disputes, and further litigation?
- Has either parent disengaged with the other?
- Can either parent change his or her behaviour?

Consider the purpose the conflict is fulfilling for the parents. For example, by maintaining the conflict, is this a way for one parent or both to maintain 'connection' or relationship of sorts with their ex-partner?

Consider the stage of disengagement from the relationship and the stage of psychological separation. Are they stuck in grief, pain or loss, or able to move on from this?

These factors will help to inform your analysis and recommendations about what needs to change for the child and how this can be achieved.

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 & Hunt, 2011)

- 1. Behaviours that engender anger and mistrust.** For example, limited child-rearing participation, extramarital affairs, unreliable work histories, sexual addictions.
- 2. Nature of the separation,** with surprise separations being particularly problematic.
- 3. Personality factors** (including personality disorders and mental illness). Kelly (2003) cites Johnston & 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.
- 4. Highly adversarial legal proceedings:** the proceedings themselves can become a factor in fuelling the conflict.

Promoting cooperative parenting

- A key aspect of applying our understanding of the impact on the child is to intervene wherever possible to repair harm being caused to them.
- In order to mitigate the risk to children's emotional wellbeing from parental conflict and if safe and realistic to do so, consider the options for promoting parental responsibility and cooperative.

Key practice points - Cooperative parenting post-separation

- **Definition:** Co-parenting refers to a situation where two or more adults who do not live together work cooperatively to raise a child. The co-parenting arrangement will need to adapt over time to new circumstances relating to the age and stage of development of the child, or other factors such as incorporating new partners into the family system. Consequently, to make it work co-parenting requires an adaptive, child-centred approach that is grounded in good communication. The key to co-parenting is for parents to focus on the child, rather than each other.

- 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. 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 arrangement (Drozd, Saini & Olesen 2016).
- **Benefits for children:** Although children can adapt to different routines and parenting styles in different households, in general, authoritative but warm parenting (as opposed to permissive or authoritarian) by both parents during the time they spend with their child is a key to positive child outcomes. Successful co-parenting requires parents to work together on these issues.
- Working out arrangements so that each parent plays an active role 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.”*
- **See the menu of options on the next page setting out the tools for FCAs to use or signpost with families to help reduce harmful conflict and promote co-parenting and good communication.**

Menu of options

- If it is safe to do so, consider the opportunity for undertaking dispute resolution either at the First Hearing Dispute Resolution Appointment or at a later point in the assessment to refer to the [FCA's Brief Guide to Dispute Resolution](#). It sets out some approaches that can help parents refocus on the child's experience, rather than on their own conflict.
- The [Parenting Plan booklet](#) provides detailed guidance on developing a child-centred Parenting Plan.
- Children of different ages and stages of development need different arrangements. [Emery's Alternative Parenting Plans](#) provides advice on agreeing suitable arrangements. **Note: These are guidelines only and should be considered alongside the specific needs of the child, individual characteristics, all diversity factors and any barriers to successful co-parenting.**
- The [Separated Parents Information Programme \(SPIP\)](#) takes an educational approach to conflict reduction. It provides guidance to parents on the process of becoming a separated parent, how it can affect parents and their children, and how to change things for the better. The SPIP includes work on the child's perspective and the impact of conflict on children.
- The [SPIP Booklet](#) has been produced to help parents with strategies to manage the separation and the complex emotions of all family members as they adjust to a new family dynamic.
- Consider suitability of a referral to mediation – there is further information about mediation available on the Cafcass/Gov.uk websites.
- [Here](#) are some examples of letters from and to children written during the [Cafcass Positive co-Parenting Programme](#) (CPPP). While the programme is aimed at families where the conflict is heightened, the example letters may be of beneficial use at any point in proceedings to bring focus on the child and help illustrate their experience.
- Consider holding a child-inclusive parenting plan meeting, allowing child-centred discussion about the best arrangements going forward.
- Consider use of Cafcass commissioned services for a [child contact intervention](#), which is a short-term intervention of supervised contact. They are designed to help adults and children establish safe and beneficial contact when this is difficult to do on their own.
- Consider supported contact centre provision but be aware that **this is not suitable for cases including risk**. Contact will usually take place with other families present and with no individual supervision. The contact is not recorded however attendance is usually recorded if it's in a centre. This is not commissioned or funded by Cafcass.

Reflect on your analysis

When considering your conclusions or within reflective supervision, have reference to these points and questions:

- Summarise the nature and impact of the conflict on the child.
- Refer to the tools used and summarise what they have told you about the conflict.
- What is the specific risk to the child?
- Reflect on the cultural sensitivity of your assessment. Have you taken account of the cultural context of the child and their identity needs?
- What does this tell you about the best arrangements or support for the child going forward?
- Return to your assessment of whether the key factors are conflict, domestic abuse, child resistance, including alienation, or other forms of reduced parenting capacity.
- Consider all possible forms of bias, including gender bias and the impact of personal and cultural norms in your thinking.
- Do you feel you have been disproportionately influenced or 'coerced' by the behaviour of one or more of the parties?
- Have you retained your focus on child impact and risk and tried to help the parents to do the same? Refer back to your case plan and revisit the questions you asked at the beginning of the case about what is happening for this child, see page 2. This helps you to ensure there are no loose ends in your assessment and to consider your recommendations.

**Make
recommendations
in the child's best
interests**

- [Emery's Alternative Parenting Plans](#) can be used to inform thinking about suitable child arrangements plans for time with the parent the child does not live with.
- Will the proposed arrangements ensure the child's identity needs are met? For example, if the parents are of different cultural backgrounds or use different languages, how these factors will be appropriately preserved to support the child's identity?
- Make stepped recommendations which progress at the pace of the child, are practical and which help the parents take responsibility rather than resorting to further litigation.
- Talk with the parents about how the plan will need to adapt over time to the child's changing needs as they grow and what they can do to avoid having to return to court if further disputes arise.
- Consider what support and intervention might be needed to address any remaining issues, including:
 - all local and digital options for signposting the parents to services which can help reduce the level of conflict.
 - The need for the appointment of a Children's Guardian under rule 16.4 if the parents are unable to meet the child's emotional needs due to the level of conflict. See Cafcass' rule 16.4 guidance in the Operating Framework.
 - Referral to the Cafcass Positive co-Parenting Programme. This programme is a four-session structured intervention aimed at families where the conflict is entrenched, but not at the highest level of intractability. A tool to help you decide on suitability of the programme is [here](#).
 - Where you believe the child is suffering or likely to suffer significant emotional harm, consider the need to refer the case to the local authority under child protection procedures and/ or to recommend the court order a report under section 37 Children Act 1989 from the local authority.
 - The need to access expert assessment and/or [therapeutic intervention](#). Consider what this will add to your own social work analysis.

Once you have written your report and before you file it, go back to the beginning of your assessment, your case plan and the safeguarding letter. Are all the risks dealt with? If any of the issues remain a concern, consider your advice to the court about how these should be addressed.

Reference list

If you would like to see any of the items listed, send the 6-digit item numbers (in **bold**) or the title/author information to library@cafccass.gov.uk and [click here](#) to view a **further reading list (for internal use only)**

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