

The Right Honourable Sir Andrew McFarlane
President of the Family Division
Royal Courts of Justice
Strand
London, WC2A 2LL

April 7, 2025

Dear Sir Andrew,

Joint Follow Up Letter Regarding Misrepresentation of Research in FJC Guidance on Alienating Behaviours

We are writing regarding the representation of research evidence in the Family Justice Council's December 2024 guidance on alienating behaviours. After carefully reviewing the FJC's response to our previous correspondence, we remain concerned about how research findings have been characterised in the guidance.

As parents who have direct experience with the family courts, we understand the complexities involved in these cases. However, accurate representation of research evidence is crucial to ensuring that all forms of harm to children are properly recognised, regardless of their source or prevalence. Our concern is not academic - it directly affects how the system responds to vulnerable children.

1. First author's direct contradiction

Our primary concern centres on the guidance's assertion that *'Research evidence suggests that Alienating Behaviours which actually impacts on the child's relationship with the other parent are relatively rare'* (paragraph 13) and that *'research suggests that adult behaviours rarely manifest in the behaviour of children'* (paragraph 57). Both statements cite the Hine et al. study (2023)¹ as their source.

Professor Ben Hine, the study's first author, has directly contradicted this interpretation in a published response. He states unequivocally:

'The guidance misrepresents its implications. The report does not claim that alienating behaviours, or behaviours resulting in alienation from a parent, are rare.'

He further clarifies that when the study's findings are properly contextualised, they indicate

¹Hine, B., Harman, J., Leder-Elder, S., & Bates, E. (2023). Alienating behaviours in separated mothers and fathers in the UK.

‘approximately 110,200 children who may be alienated from a parent—a significant and concerning number (and not rare).’

This mischaracterisation is not a matter of semantics. The study itself found that 39.2% of its sample reported experiencing alienating behaviours that harmed their parent-child relationship (p.18) and explicitly states these findings suggest ***‘hundreds of thousands of families, and over 1 million UK children may have experienced parental alienating behaviours during separation’*** (p.18). The study even characterises its findings as representing *‘an urgent and critical public health crisis’* (p.10) – language that stands in stark contrast to the guidance’s ‘rarity’ framing.

2. Methodological misinterpretation

We understand the FJC’s response of 20th March 2025 specifically points to one sentence from the Hine study: *‘across the entire sample, the average rating for children’s manifestation of alienating behaviour across all questions was 2.04 (2=“Rarely”)*’. The FJC’s claim of consistency with these findings represents a fundamental misinterpretation of the research methodology.

There is a crucial distinction between a frequency rating on a measurement scale as employed in this study (where ‘rarely’ indicates a low-frequency occurrence), and a categorical assessment of prevalence (where ‘rare’ suggests exceptional occurrence). This is not merely semantic but affects how practitioners will interpret the guidance when assessing cases.

To emphasize this important point: the FJC’s claim of rarity based on this study is fundamentally incorrect. When parents in the study answered ‘rarely’ to questions about their children’s behaviours, they were confirming these behaviours do occur—not that they don’t exist. **‘Rarely’ is still ‘yes,’ not ‘no.’** The average rating of ‘rarely’ **within individual cases** being studied doesn’t support claims about how commonly these behaviours manifest **across a population**. The research simply doesn’t support the FJC’s assertion that alienating behaviours rarely manifest in children.

3. Real world impact

The practical consequences of minimising alienating behaviours extend well beyond academic accuracy. Early recognition is critical for effective intervention, as illustrated in the Cafcass toolkit’s own graph showing the inverse relationship between evidence availability and successful intervention over time. By elevating the threshold for recognition through a ‘rarity’ framing, the guidance undermines the opportunity for early identification when intervention is most effective.

This framing has direct implications for professional practice. In recent correspondence with a local authority’s executive director of social services, we were informed that their training on alienating behaviours is limited: *‘A training course on domestic abuse is provided to professionals working with children through the Safeguarding Children Partnership. **This will cover cross-allegations of domestic abuse and parental alienation albeit not in any significant depth.***’ When guidance characterises these behaviours as ‘rare,’ it naturally follows that training resources will not prioritise recognition and response strategies, further perpetuating the cycle of non-recognition.

Conclusion

Given these concerns, we respectfully request that the FJC reconsider how this research is represented in the guidance. We ask that you consult directly with Professor Hine, review the complete findings of his study, and revise the guidance to accurately reflect the research evidence on prevalence and impact.

We would ask the FJC to consider this fundamental question: If a child is consistently exposed to alienating behaviours, is it reasonable to believe that such manipulation would only rarely affect the child's behaviour, emotional development, and relationships? Common sense and our lived experiences suggest otherwise.

We look forward to your response and remain willing to discuss these matters further.

Yours sincerely,