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## **The Domestic Abuse Commissioner's response to the Government consultation on Child to Parent Abuse.**

### **Role of the Domestic Abuse Commissioner**

The Domestic Abuse Act establishes in law the Office of the Domestic Abuse Commissioner for the purpose of providing public leadership on domestic abuse issues and to play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. The role of the Commissioner is to encourage good practice in preventing domestic abuse; identifying adult and child victims and survivors, as well as perpetrators of domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government. As the Domestic Abuse Commissioner for England and Wales, I welcome the opportunity to feedback on the Government consultation on Child to Parent Abuse and would be pleased to discuss the contents of this response further, if requested to do so.

### **Scope of the response**

The Commissioner recognises that, for the purposes of this consultation, Government has used the term Child to Parent Abuse (CPA). For the purposes of this response, the Commissioner will use the term Child/Adolescent to Parent Violence and Abuse (CAPVA) in line with the wording of a [literature review](#) commissioned by the Commissioner on this subject.

Additionally, the Commissioner recognises that the purpose of this consultation is to put in place an agreed definition for CAPVA, and that the questions posed as part of the consultation are therefore restricted to the headline terminology and descriptors of CAPVA. However, in order to make sense of the Commissioner's recommendations as to the headline terminology and descriptors, it is vital to set out the current practice landscape in the response to CAPVA, including key challenges and barriers for the Home Office to be aware of. Therefore, this consultation response begins by setting the current scene, before responding more directly to the questions directly asked.



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## Response

It is absolutely imperative that any response to CAPVA takes into account the needs and safety of the victim/survivor first and foremost and that any response takes a victim centric approach. From the consultation description, the Commissioner understands that it is the Government's intention for the definition of CAPVA to only apply to those aged under 16, in order to avoid duplicating with the definition of domestic abuse, which is abuse between those who are personally connected and over the age of 16.<sup>1</sup> Informed by evidence of behaviours connected with adverse childhood experiences and regulating behaviours of those children who are neurodiverse or have disabilities, the Commissioner is of the view that there is a need to also be child-centric in defining this nature of harmful behaviours, whilst also protecting victims.

Whilst the Commissioner understands the desire for a clear distinction between the two harm types and uniformity to enable a clear-cut definition and guidance, a distinction by only age is not appropriate nor nuanced. Through differentiating between CAPVA and domestic abuse by age alone, this does not take into account the needs of the victim, the driving factors behind the behaviour, or the vulnerability of the children/young people who are exhibiting this harmful behaviour – the reasons for this are set out in more detail below.

It is the view of the Domestic Abuse Commissioner that there must be more flexibility, as opposed to age alone, in determining whether behaviour constitutes a domestic abuse response or a CAPVA intervention. Whilst it makes policy sense to align the age limit of CAPVA with the age limit of domestic abuse, this does not reflect the cases which frontline practitioners see on the ground which require nuance and professional discretion in determining the appropriate response. In some cases, an under 16-year-old may exhibit behaviours which are very clearly aligned to domestic abuse, due to the intentionality, pattern of extremely harmful and abusive behaviour and when, upon assessment of vulnerability and past

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<sup>1</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)





potentially harmful experiences, the power and control is in the hands of the child. Whilst the Commissioner would not always consider it right to criminalise this child (unless in cases of extreme harm), it would be necessary for that child to be held to account for their actions, undergo behaviour change interventions and for their behaviour to be labelled as abuse to not minimise the experiences of the victim.

Alternatively, there may also be a case where, having experienced abuse at the hands of an abusive parent, a neurodiverse 17-year-old exhibits harmful behaviours as a result of trauma and is not able to regulate their emotions and acts aggressively. It would be unfair for the latter to receive a domestic abuse response and a possible interaction with the criminal justice system due to their age alone. Therefore, there must be more determinants in deciding the right response, for both the victim and young person. Taking only age into account, there is a risk of unfairly criminalising vulnerable children and young people for their harmful behaviour, when other interventions would have been more beneficial for the whole family. Moreover, in many cases, parents do not want to criminalise their child for their behaviour and want what is most protective for themselves and their child.<sup>2</sup> Therefore, it is vital that there are a range of behaviour-change programmes and support options for the child, which will create a victim-centric approach, ensuring more disclosures and safety for those experiencing harm.

### *Considerations*

As a result of the current lack of agreed terminology and definition, there is a wide range of different behaviours which considerably vary by way of severity and intentionality which could be defined as CAPVA.<sup>3</sup> It is therefore the view of the Domestic Abuse Commissioner that the Home Office considers the following as

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<sup>2</sup> Howard, J. & Rottem, N. It all starts at home : male adolescent violence to mothers : a research report. (Inner South Community Health Service, 2008).

<sup>3</sup> [CAPVA-Rapid-Literature-Review-Exec-Summary-November-2021-Baker-and-Bonnick.pdf \(domesticabusecommissioner.uk\)](#)





factors in determining the response which the family receives, particularly where the young person is over 16, and still considered a child as per Section 105 of the Children Act 1989<sup>4</sup>:

- **Neurodiversity:** Often, what counts as abuse within a CAPVA context is contested, with debates surrounding 'intentionality' and 'choice' in the context of young people who are neurodivergent.<sup>5</sup> Within the context of neurodivergence, harmful behaviour towards parents can often be a way of communicating distress, or an attempt to control an environment which is confusing or frightening.<sup>6</sup> These behaviours are seen by many researchers as aggressive, rather than abusive.<sup>7</sup> Clearly, not all neurodivergent young people will go on to use harmful behaviours towards their parents, but it is important to understand why CAPVA may be different for those who do, and why for those over 16 they may not have the same intentionality as a domestic abuse perpetrator. This must be considered in achieving the right response for the victim and their child.
- **Trauma:** It is important to acknowledge that children and young people using harmful behaviours towards parents may also be victims of domestic abuse or child abuse themselves. Trauma experienced in childhood can have serious developmental consequences with a range of both short and long term implications in terms of emotional, psychological and physical well-being, including behavioural difficulties.<sup>8</sup> Specifically, children who have been exposed to multiple forms of familial abuse have been identified as being at greatest risk of using harmful behaviour

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<sup>4</sup> [Children Act 1989 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>5</sup> [What do we mean by 'Intent', in the context of Child to Parent Violence? | HOLES IN THE WALL](#)

<sup>6</sup> Ibid.

<sup>7</sup> Calvete, E., Orue, I., Gamez-Guadix, M. & Bushman, B. J. Predictors of Child-to Parent Aggression: A 3-Year Longitudinal Study. *Developmental Psychology* 51, 663-676 (2015).

<sup>8</sup> Baker, V. Exploring adolescent violence and abuse towards parents: the experiences and perceptions of young people. Doctor of Philosophy thesis, University of Central Lancashire (UCLan), (2021). Available online at <http://clock.uclan.ac.uk/39684/>





towards parents.<sup>9</sup> Whilst abuse towards parents is never okay, it is important to consider the trauma that the young person has experienced, and a whole-family approach should be taken which recognises the vulnerability of the young person involved and the risk they pose.

- **Interparental domestic abuse:** Researchers on CAPVA have highlighted how interparental domestic abuse can shape the CAPVA dynamic through its impacts on family power dynamics, as the non-abusive parent's position in the family has been undermined by the abusive parent as a result of manipulation, humiliation and blame.<sup>10</sup> The distortion in the family power can impact on the bond between the child and non-abusive parent, and the non-abusive parents' confidence in parenting can lead to children normalising the non-abusive parent as victims.<sup>11</sup> The Domestic Abuse Act 2021 rightfully recognised children who witness or experience domestic abuse as victims in their own right, due to the profound negative impacts. Whilst balance must be achieved, it is essential to consider the family's experiences before considering the response.<sup>12</sup>
- **Familial abuse** – In addition to interparental domestic abuse, children and young people may also have been subject to, or witnessed familial abuse. This is particularly concerning in instances where there are multiple perpetrators within a family, for example, in cases of so-called honour-based abuse, forced marriage and FGM. These types of familial abuse can often create an extremely complex power and control dynamic where children and young people are vulnerable and at risk of mirroring harm, but also at risk of being asked by perpetrators to employ harmful practices against another family member.

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<sup>9</sup> Ibabe, I., Jaureguizar, J. & Bentler, P. M. Risk factors for Child-to-Parent Violence. *Journal of Family Violence* 28, 523–534 (2013).

<sup>10</sup> Radford, L. & Hester, M. *Mothering through domestic violence*. (Jessica Kingsley Publishers, 2006).

<sup>11</sup> Iwi, K. & Newman, C. *Picking up the pieces after domestic violence : a practical resource for supporting parenting skills*. (Jessica Kingsley Publishers, 2011).

<sup>12</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)





The above factors highlight why there must be nuance in establishing whether behaviour should warrant a domestic abuse response, versus a CAPVA response. Whilst many would argue that CAPVA is a form of domestic abuse, the statutory response between these two harm types can be very different, due to the recognition that for children using harmful behaviours, the abuse may not be as entrenched as it is with an adult domestic abuse perpetrator.<sup>13</sup> Moreover, a positive outcome in CAPVA cases tends to involve keeping the family together safely, rather than separating them.<sup>14</sup> As such, there is an un-comfortability with labelling a child as a perpetrator due to their age and vulnerability, and many parents avoid wanting to pursue a criminal justice response as they do not want to criminalise their child for their actions. Therefore, in deciding whether behaviour can be viewed as CAPVA or domestic abuse, it will be important for frontline practitioners to consider the level of intention behind the behaviour, and the extent to which this behaviour could be viewed as abuse, or aggression. From this, practitioners should then be able to decide what type of intervention is required, based on an assessment of the vulnerability of the young person, driving factors behind the harmful behaviour, and wider family dynamic.

**Recommendation:** That Government uplifts the threshold of CAPVA to those under 18, in line with the Children’s Act definition of a child, to reflect that in some cases, vulnerable young people do not have the same intentionality as an older domestic abuse perpetrator. This must come with the clear caveat that young people under this age can perpetrate domestic abuse towards their parents, and it is at the professional discretion of the frontline practitioner to decide if that is the case, what intervention would be best and if a criminal justice response is required.

**Recommendation:** To achieve balance and clarity for frontline practitioners deciphering between domestic abuse or CAPVA, Government must undertake

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<sup>13</sup> [CAPVA-Rapid-Literature-Review-Exec-Summary-November-2021-Baker-and-Bonnick.pdf \(domesticabusecommissioner.uk\)](#)

<sup>14</sup> Ibid.



further consultation with frontline services to specify the behaviours that are included and excluded by the definition, and ensure the right balance is implemented and that there are effective screening tools and criteria. This should be done by considering the difference between abusive and aggressive behaviours.

**Recommendation:** Government invests in processes for adding CAPVA system 'markers' to databases, to enable the tracking, measurement and effective monitoring of cases.

**Recommendation:** Government undertakes research to understand intentionality in cases of CAPVA where the child is vulnerable as a result of neurodiversity, trauma, or other adverse childhood experiences to establish the best practice response which is both child and victim centric.

### *Intervention*

At present, there is no nationally-agreed definition of CAPVA. As a result, locally, there is high variation in the statutory and voluntary response and a patchwork of provision. For some families, there is little to no support for what they are experiencing.

Currently, there is no clear statutory response to CAPVA, as it does not squarely fit within any service. As referred to above, parents are reluctant to pursue a criminal justice outcome as they do not want to criminalise their child and instead want support for the behaviour to change. However, CAPVA does not properly sit within children's social care, where the focus is on the protection of the child from their parents, or responding to young people's violence outside the home.<sup>15</sup> As a result, children and their families are falling through the cracks, and harmful behaviour can escalate.

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<sup>15</sup> [CAPVA-Rapid-Literature-Review-Exec-Summary-November-2021-Baker-and-Bonnick.pdf \(domesticabusecommissioner.uk\)](#)







Moreover, many practitioners across a range of statutory services, such as children's social care and youth justice currently have to use their own professional skills when presented with a CAPVA case. Due to the lack of agreed understanding, children's behaviour can be wrongly framed, as a result of practitioners overlooking relational dynamics and histories of abuse. Practitioners can also blame the parents for the abuse they are facing, blaming 'poor parenting' and a lack of boundary setting for the child's actions.<sup>16</sup> As a result, children are unable to access interventions that best suit their and the whole family's needs, victims are hesitant to come forward for support and the problem remains unsolved. Therefore, it is absolutely vital that Government invests in upskilling frontline practitioners in risk assessing and identifying CAPVA cases and sets out best practice interventions and referral pathways to support frontline practitioners.

Early intervention and prevention is absolutely key in the response to CAPVA. Unfortunately, the availability of early intervention services is usually dependent on the voluntary services which operate in the area. Support at a prevention/early intervention level is typically embedded into domestic abuse services, where experiences of interparental domestic abuse is seen as a risk factor for CAPVA and other behavioural or relational difficulties.<sup>17</sup> For example, programmes, such as the NSPCC's DART programme work specifically on positive communication between the mother and child to rebuild their relationship after domestic abuse and challenge harmful gender norms.<sup>18</sup> Programmes like these are effective as they target the gendered nature of harmful behaviours, and how this often reflects the power and control dynamics of the domestic abuse experienced and the context of patriarchy and misogyny that children can be influenced by.

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<sup>16</sup> Holt, A. & Retford, S. Practitioner accounts of responding to parent abuse – A case study in ad hoc delivery, perverse outcomes and a policy silence. *Child and Family Social Work* 18, 365–374 (2013).

<sup>17</sup> Simmons, M., McEwan, T. E., Purcell, R. & Ogloff, J. R. P. Sixty years of child-to-parent abuse research: What we know and where to go. *Aggression and Violent Behavior* 38, 31–52 (2018).

<sup>18</sup> [Domestic Abuse, Recovering Together \(DART\) | NSPCC Learning](#)







However, the availability of these services is patchy and often reserved for those families considered to have the greatest need, meaning cases requiring early intervention work cannot access these services. It is absolutely vital that early intervention services are embedded into the local response in every area, so that parents and their children can receive support for what they are experiencing before it escalates. This can prevent behaviour becoming entrenched and more high risk, particularly as the child gets older.

For cases that are more high risk and where early intervention is no longer appropriate, it is important that there are a range of pathways for young people and their families to be able to access an intervention. More specialist responses to CAPVA are usually delivered within the context of youth offending, specialist domestic abuse services, Early help or edge of care services, which employ a whole family approach.<sup>19</sup> Where these programmes work well, they are usually embedded within broader support offers which address wider issues within the family. They also involve much-needed multi-agency collaboration, where the knowledge and skills of multiple professionals are able to work together to address a wide-range of family-level, and child-level difficulties, which in turn increases the pathways to accessing further support. Although research has shown these systems to work, there are currently extremely high thresholds for accessing any support, which means that work can become more difficult, costly and challenging to achieve positive outcomes.<sup>20</sup> Moreover, a lot of what is delivered locally will vary, as will the ability to access an intervention.

**Recommendation:** Multi-agency referral and triage hubs must be upskilled to appropriately manage and identify CAPVA cases to ensure early intervention.

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<sup>19</sup> Holt, A. Adolescent-to-parent abuse : current understandings in research, policy and practice. (The Policy Press, 2013).

<sup>20</sup> [CAPVA-Rapid-Literature-Review-Exec-Summary-November-2021-Baker-and-Bonnick.pdf \(domesticabusecommissioner.uk\)](#)





**Recommendation:** Agency-specific guidance must be developed to ensure that CAPVA cases can be identified at any interaction. This would create a 'no wrong doors' approach to cases and prevent families falling through the cracks.

**Recommendations:** Government must put in place funding to embed specialist CAPVA training to all frontline practitioners and build capacity within the current workforce so that families can be supported effectively. By building capacity, thresholds can be lowered and cases managed earlier.

**Recommendation:** Government should put in place long-term funding to allow expertise to develop and enable sustainable CAPVA programmes to fill the current gaps in provision. There must be a significant funding injection to enable flexible interventions based on need in every area, which takes into account the needs of the whole family.

**Recommendation:** Government must make clear the referral pathways and pathways for support, and how statutory services should respond to these cases, to ensure families are supported in the long-term.

### *Specific consultation questions*

From setting the scene as to the current landscape of CAPVA provision, the response will now specifically address the questions asked as part of the consultation. The Commissioner agrees that it is vitally important to establish a common language around CAPVA, as this will help to support the identification of such behaviour by frontline professionals and parents and caregivers, making it easier to seek and offer support.

### *Part 1: Terminology*

**Children and adolescents:** As part of the consultation, Government has asked if those exhibiting harmful behaviours should be referred to as 'children', 'children and adolescents' or something else. It is the view of the Domestic Abuse





Commissioner that the definition should describe this group as 'children and adolescents', to reflect the fact that the majority of young people exhibiting this type of behaviour are adolescents and that those over 16 can also display this type of behaviour.

Moreover, although perhaps not possible in the headline terminology, it will be of critical importance that through clear guidance, that is it acknowledged that those above age 16 can exhibit harmful behaviour towards their parents, which warrants a CAPVA response rather than a domestic abuse response, following an assessment of the risk posed to the parent and the child's vulnerability.

**Parents and caregivers:** The consultation also asks how the group in which the harmful behaviour is directed at should be defined. It will be vitally important that guidance sets out that harm can be directed at any parental figure, and this can encompass parents, caregivers such as foster carers, and kinship carers such as grandparents. It is also important that guidance acknowledges that harmful behaviour can also be directed towards siblings within the familial context. For the purposes of the definition, it is the Domestic Abuse Commissioner's view that this group is defined as 'parents and caregivers', but with clear guidance setting out who this includes.

**Abuse and aggression:** The final question related to the headline terminology considers how the harmful behaviour should be referred to. Government has asked if the harmful behaviour should be defined as 'abuse', 'violence and abuse' or something else. It is the clear view of frontline practitioners that there is no need for 'violence' to be a part of this definition, as abuse is inclusive of violence and physical harm.

However, it is the recommendation of the Domestic Abuse Commissioner that the definition includes the terms 'abuse and aggression.' There are multiple reasons for this, set out in more detail above. These reasons include:

- Many parents who are experiencing this type of harm do not want to come forward and attribute their child as abusive, even if their behaviours are. Many parents wait until the behaviour is physical before reaching out for support. By including aggression in the headline definition, it may make it easier for parents to come forward earlier if their child's behaviour can be attributed as 'aggressive' rather than 'abusive.'





- Many young people exhibiting harmful behaviour towards their parents are neurodiverse. It is unfair to attribute that these young people are purposely abusive. Whilst their behaviour may seem abusive, it may be as a result of struggling to regulate their emotions.
- Some children may be acting in a harmful way as a result of their own experiences, including their own abuse within the family. Their behaviour could be an indication of trauma and distress.

As a result of the above, the Domestic Abuse Commissioner is also clear that the guidance should not refer to children using these behaviours as ‘perpetrators,’ out of consideration for the young person’s intentionality and vulnerability. Instead, the Commissioner would recommend that the guidance refers to children and adolescents using harmful behaviours – some of which are abusive or aggressive.

**Recommendation:** Government should refer to those exhibiting the harmful behaviour as ‘children and adolescents’ in the headline terminology.

**Recommendation:** Government should refer to those on the receiving end of the harmful behaviour as ‘parents and caregivers.’ Guidance should make clear that this is inclusive of grandparents, kinship carers, foster parents and also siblings.

**Recommendation:** Government should refer to the harmful behaviour as ‘abuse and aggression’ to reflect the lack of intentionality in some cases.

### *Part 2: Description*

**A pattern of behaviour:** The second part of the consultation concerns the description of CAPVA-related behaviours. The consultation description sets out that it can be difficult to distinguish between boundary-testing behaviours and harmful behaviour which constitutes abuse, and that ‘a pattern of behaviour’ can be an important differentiation. However, this contrasts with the definition of domestic abuse, which is clear that a single incident is enough to constitute domestic abuse.

The Domestic Abuse Commissioner is clear that for behaviour to constitute CAPVA, it must be a pattern of behaviour. Without this stipulation, the bar for an





intervention would be too low and children who are boundary-testing would be included, overwhelming already sparse services. Moreover, many parents only reach out for support once the behaviour has become physical.<sup>21</sup> At face value, this may seem like a one-off incident, however, upon further analysis, it usually precedes a pattern of behaviour which has been normalised as it has been happening for so long.

Therefore, it is absolutely imperative that frontline practitioners have the resources, training and knowledge to identify and unpick the whole spectrum of harmful behaviours, risk assess and provide the right support accordingly.

**Behaviour change:** The next part of the consultation concerning the description of the harmful behaviours considers the behaviour of the parents or caregivers. The Home Office has set out that parents or caregivers feeling that they have to adapt their own behaviour to accommodate the behaviour of a child can be an important marker as to whether their behaviour is abusive.

It is the view of the Domestic Abuse Commissioner that the definition should not include parents adapting their own behaviour to accommodate the behaviour of a child as a marker of abuse. This threshold is too low, as many parents change their behaviour as part of parenting and responding to the distinct and specific needs of their children. Instead, parents changing their behaviour should only be a marker if they change their behaviour out of fear of their child, and as a result of a sense of losing the power and control in the family dynamic.

**Categories of abuse:** The final part of the consultation concerns which categories of abuse should be included in the proposed definition. The categories set out in the consultation were aligned to those in the statutory definition of domestic abuse.

It is the view of the Domestic Abuse Commissioner that no harm types from the categories provided should be removed. Instead, it is absolutely imperative that more are included, particularly the use of technology-enabled abuse. The Commissioner's Office has heard anecdotally from support services such as PEGs about the routine use of technology to control parents – including by accessing

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<sup>21</sup> Cottrell, B. Parent abuse : the abuse of parents by their teenage children. (Family Violence Prevention Unit, Health Canada, 2001)





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online banking accounts, intercepting money, and through the use of social media. It must be acknowledged that there can be an intergenerational knowledge and skills gap between parents/carers and their children when it comes to technology and parents/carers can be at a disadvantage in protecting themselves when subjected to technology-enabled harm. This can be further exacerbated when parents/carers experience language barriers, have a disability or are neurodiverse.

Moreover, the Commissioner has identified other forms of abuse which should also be included:

- Abuse towards pets
- Neglect (for young carers)
- So called honour-based abuse
- Financial
- Immigration abuse

**Recommendation:** Government should put in place a threshold that there must be a pattern of behaviour for the case to constitute CAPVA. However, frontline professionals must have the training to unpick individual episodes of harmful behaviour and consider if there has been a pattern that has been normalised.

**Recommendation:** Government should make clear that if a parent or caregiver is changing their behaviour out of fear, this indicates harmful behaviour on the part of the child or adolescent. Normal behaviour changes to reflect parenting is too low of a threshold.

**Recommendation:** Government must add technology-enabled abuse, abuse towards pets, neglect (for young carers), so called honour-based abuse, financial abuse and immigration abuse to the categories of abuse.



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