

Contemporary Practise in Domestic abuse assessment



Joint research (2017) by Cafcass and Women's Aid into allegations of domestic abuse in child contact cases

- The main finding was that domestic abuse was alleged in almost two-thirds of cases (62%), with fathers more likely to be the subject of allegations than mothers. The sample cases provided a complex picture of domestic abuse within family proceedings and it was uncommon for domestic abuse allegations to feature in isolation from other safeguarding concerns. This demonstrates the substantial challenge for courts in determining which cases can safely proceed to contact with the child.

Domestic abuse is a common feature of both public and private law cases.

- Cafcass practitioners assess the risk of harm to children in cases where domestic abuse is present. This includes harm from seeing or hearing the ill-treatment within families, and harm to children and victims of controlling or coercive behaviour (Serious Crime Act, 2015) that has been incorporated into Practice Direction 12J – Child Arrangements and Contact Orders: Domestic Violence and Harm.

PRACTICE DIRECTION 12J: Child arrangements and contact orders: Domestic abuse and Harm (comes into effect 2/10/17)

- refers to domestic abuse rather than domestic violence and the definition has been extended to include abandonment, forced marriage, transnational marriage abandonment.
- Although the PD refers to judges, it applies to lay magistrates as well as judges at every level.
- the court must be satisfied that contact does not expose a child and/or parent to “unmanageable risk”.
- Where a risk assessment has concluded that a parent poses a risk to a child or other parent, contact via a supported contact centre or contact supported by a parent or relative is not appropriate.

The amended PD requires the court to do the following in cases where there is reason to believe or evidence that a party or the child has experience domestic abuse

- **The court may ask for a section 7 report but if a report is ordered *must* ask for information about advice given by the FCA to the parties and whether there has been a referral to the local authority.** If the report is an oral report a note of the substance *must* be set out in a schedule to the order
- **The court *must* ascertain as early as possible whether DA is raised as an issue and record this on the court order**
- **Any admissions of DA *must* be recorded in writing and set out in a schedule to the court order which must then be served on Cafcass**
- **Where the court decides not to hold a fact finding it must record the decision on the face of an order**
- **The court should make findings of fact on the nature of the domestic abuse and the impact on the child and any other relevant person and those findings *must* record those findings in writing in a schedule to the order which *must* be served by the court on the parties and on the Cafcass officer**

Evidenced informed practice tools

- *Domestic violence tool – ‘what we need to know’* - for use in interviews to establish the nature, how recent, frequency and duration of domestic violence and whether coercive and/or controlling behaviours are present.
- *SafeLives DASH Guidance* - for use in an interview if domestic violence is current and to establish if a referral for a Multi-Agency Risk Assessment Conference is required. It includes specific questions relating to coercive control.
- *Barnardo’s Domestic Violence Risk Identification Matrix* - for use after the practitioner’s interview with the parent to analyse the level of risk or need and protective and vulnerability factors. It is an analytical tool that is used to benchmark the level of risk to feed into the wider assessment process.
- *Safe Contact Indicator* - for use during or after the practitioner’s interview with the parent to analyse whether contact is safe and in the child’s best interests. It is derived from Sturge and Glaser’s report on *Contact and Domestic Violence*.
- A tool for assessing whether a *Domestic Violence Perpetrator Programme* is appropriate.

THE
PRACTICE
PATHWAY

DOMESTIC ABUSE PRACTICE PATHWAY

- The Practice Pathway has been formulated to provide the practitioner with a structured, focussed and stepped framework for assessing cases where domestic abuse is a predominant feature.
- The pathway is **not a change of direction** regarding assessment, but a tool in itself to assist clarity of thought when presented with a complicated narrative.
- It highlights the need to be **succinct and clear** when assessing high risk situations or alleged lethal behaviours and lower risk cases which may conclude with a safe evidence based recommendation.

THE
PRACTICE
PATHWAY

Providing a clear link between information gathered and the final recommendation

Embedding the use of tools across all service areas

Addressing learning from SCR re; 'getting off on the wrong foot'

Evidencing a process which accentuates our level of expertise

Emphasises a systematic and structured professional judgement approach in line with our social work skills and values

Helps to identify those cases which require particular attention and highlights those situations and behaviours by the perpetrator which exacerbate risk

Applying
the
Pathway
in
practise?

EIT stage- beginning the golden thread of assessment.

Have all check been completed?

Has a Level 2 police check been sent for where appropriate?

Has the FCA used framing questions to help the service user in sharing any concerns?

Has the FCA used risk assessment tools as a reflective measure?

Has the FCA contacted the LA or considered a referral where appropriate?

Has the FCA drawn together the information from the checks and the interviews to form a holistic assessment of the risks?

Does the safeguarding letter give a robust account of risks and safeguarding measures that are necessary?

Has the FCA considered the need for Finding of Fact?

Factors to
consider

WAFH case

- Has the FCA identified a primary perpetrator?
- Has the FCA identified a Typology of abuse? For example situational violence or coercive control
- Has the FCA applied risk assessment tools appropriately?
- If there are issues of lethality has the Safe Lives-Dash tool been applied?
- How have these tools added to the FCA analysis of the risk
- Has an enhanced police check been obtained?
- Has the FCA considered the need for Finding of Fact?
- Has the FCA assessed suitability for attendance at a perpetrator programme?
- Can contact be safely managed in another way?

Arrangements
for the child

- Is contact a potential recommendation - check you have referred to the **safe contact indicator**
- Is an intervention required in order to achieve safe and beneficial contact
- If safe arrangements are possible without an intervention, can you offer a structured, stepped recommendation for a final order *ie cases where domestic violence has been assessed as low in terms of ongoing risk to the ex partner and child*

Is a DVPP
required as a
COA

- If a DVPP is a possible recommendation, check your report is clear as to why the intervention may be appropriate
- Have you assessed using the Sturge and Glaser criteria that the father has some insight and understanding regarding his behaviour
- What specific changes are needed to reduce risk and how might the intervention address this
- How might the child benefit by the father undertaking the programme
- What outcomes are you considering
- Are there additional risks ie substance misuse, mental health which might need addressing before a DVPP programme could be effective

Learning and development

- All social work staff joining Cafcass receive specialist face to face training on domestic abuse. This includes the assessment of risk and harm in the context of family court proceedings
- Information on all relevant legislative and policy changes is cascaded to staff via management and team meetings and Knowledge Bites on the intranet
- The dissemination of research into domestic abuse. The Cafcass library is well-used by practitioners, as is Research in Practice. Cafcass undertakes a number of research projects

References

- The practice pathway and assessment tools are available on the Cafcass website, together with relevant policies (the Child Protection Policy) and guidance (the Operating Framework):
<https://www.cafcass.gov.uk/leaflets-resources/policies-and-templates-for-secs/policies.aspx>
- **CONTACT AND DOMESTIC VIOLENCE - THE EXPERTS' COURT REPORT**
DR CLAIRE STURGE in consultation with DR DANYA GLASER