

# **Legal Roundup – July 2022**

## **Domestic Abuse Act 2021 and statutory guidance (July 2022)**

The Domestic Abuse Act 2021 (DAA 2021) received Royal Assent on 29 April 2021. This has now been supplemented by Statutory Guidance issued in July 2022, intended for various organisations including Cafcass, who must have regard to it in the exercise of their public functions.

The statutory guidance can be accessed here:

[Domestic Abuse Statutory Guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/106422/domestic-abuse-statutory-guidance.pdf)

Its objectives are:

- to promote professional and public awareness of domestic abuse
- to protect and support - to enhance the safety of victims and the support that they receive and holding perpetrators to account
- to transform the justice process - to prioritise victim safety in the criminal and family courts
- to improve performance - to drive consistency and better performance in the response to domestic abuse

This [legal alert from July 2022](#) is regarding the provisions concerning cross examination of vulnerable witnesses

## **Family Justice Council (FJC) Guidance assessment of competence of children**

The Family Justice Council has issued guidance regarding assessing whether a child is competent to instruct a solicitor. As practitioners are aware, a child's competence to instruct depends on their age and understanding of the proceedings. The guidance is intended to assist solicitors to reach a conclusion as to whether a child has sufficient understanding to be assessed as competent to instruct a solicitor directly without a guardian. Key points include that the solicitor should have met or at least spoken to the child and must take account of the view of the guardian. The child may be competent to instruct a solicitor but prefer to continue to be represented by a guardian and it is not compulsory for the guardian to step aside.

## **Guidance to Children's Guardians on appointing a solicitor for the child.**

When choosing a solicitor to represent the child within proceedings, please refer to the Guidance to Children's Guardians on appointing a solicitor for the child. This includes spreading instructions across as wide a range of children panel solicitors as possible, so that work is evenly spread across firms.