

Parliamentary Briefing: Domestic Abuse Perpetrator Programmes (DAPP) and Child Arrangement Order Proceedings

About Respect

Respect is a pioneering membership organisation working to end domestic abuse by leading on the development of quality assured [Service Standards](#) which enable its members to provide safe and effective services for perpetrators of domestic abuse, including Domestic Abuse Perpetrator Programmes (DAPPs), support for male victims, and work with young people who use violence and abuse in their close relationships.

Summary

In the private family courts, where an applicant parent seeks contact with their child/ren but has perpetrated domestic abuse, referral to a DAPP has been one of the options available to Judges seeking to make decisions about safe contact arrangements. DAPPs were commissioned, until recently, by Cafcass, meaning that information sharing and safeguarding agreements were in place, alongside clear reporting mechanisms between service providers and Judges/FCAs.

In CAO proceedings, DAPPs provide an opportunity for abusive parents to consider the impact of domestic abuse on the child/ren's resident parent, as well as their own relationship with their child. DAPPs also allow Judges to understand an abusive parent's commitment to changing their behaviour and maintaining those behaviours over time.

The referral pathway which was set up for DAPPs ensured that any programme, whose feedback about attendance and progress would be relied upon in court, was quality-assured, safety-focussed and provided support to the non-abusive parent alongside intervention with the perpetrator.

In April 2022, CAF/CASS England notified Approved Providers of DAPPs that contracts to deliver these programmes would not be renewed in March 2023. Due to the 6–9–month length of the programmes, this has meant that from 30th June 2022 no new referrals could be made to a DAPP. As a result, there is currently no established referral pathway to a quality-assured programme for perpetrators of domestic abuse who seek contact with their children.

The Ministry of Justice (MoJ) has committed to developing a new commissioning framework for DAPPs, but this is not expected to be in place before 2024–5. In the meantime, Respect and our partners across the Violence Against Women and Girls (VAWG) sector are extremely concerned about the impact of the current gap in provision on adult and child survivors of domestic abuse, and are calling for the government to put in place interim measures as a matter of urgency.

Policy context

In June 2020, the MOJ published the ['Assessing Risk of Harm to Children and Parents in Private Law Children Cases'](#) report. Commissioned in response to widespread concern about how effectively the family courts recognise and respond to allegations of domestic abuse, the report was based on the findings of an expert panel including academics, researchers and subject matter experts.

The accompanying [Implementation Plan](#), also published in June 2020, set out the Government's commitment to convene a steering group consisting of MOJ, CAFCASS, CAFCASS Cymru, Respect, Women's Aid Federation England, the Domestic Abuse Commissioner and others to review and evaluate DAPPs, drawing on the existing evaluation and evidence base. The purpose of the DAPP Review Steering Group included addressing the range of concerns set out in Chapter 9 of the Harm Panel report, including how timely access to DAPPs may be improved, and when DAPP attendance is – and should be – ordered by the family courts.

Removal of DAPP provision

The DAPP Review Steering Group was convened in August 2021 but has not met since December 2021. In April 2022, its members received notification from Neal Barcoe (Chair of the DAPP Review Steering Group and Deputy Director for Family Justice Policy, Ministry of Justice) that the existing contracts between CAFCASS England and Approved Providers of DAPPs would not be renewed in March 2023 and that CAFCASS England would not be able to process any such referrals from 30th June 2022.

In advance of the MOJ considering an alternative commissioning framework, which is not anticipated to be in place before 2024/5, there is now no established referral pathway for a perpetrator of domestic abuse who seeks contact with their children, to be referred to a Domestic Abuse Perpetrator Programme via CAFCASS England or any other regulated and agreed route.

Why are DAPPs so important?

DAPPs provide specialist interventions for parents who have behaved abusively towards an ex-partner, or continue to use such behaviour, and are seeking contact with their children. Quality-assured DAPPs are critical to ensuring that family contact is safe and focused on best outcomes for both children and victim-survivors. In turn, the service is essential to ensuring that courts implement and adhere to Practice Direction 12J4, specifically section 38.

Impact of removing DAPP provision

Putting children and victim-survivors at risk

The risks associated with unsafe child contact arrangements have been consistently highlighted by Women's Aid Federation England, Welsh Women's Aid, and in the recent Harm Panel report. The family courts in England receive around 45,000 applications every year concerning children whose parents need support

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agreeing contact arrangements; with previous research by Women's Aid Federation England and CAFCASS England indicating that domestic abuse is a feature in up to 62% of those cases – 27,900 families per year with an average of 2.5 children in each family means that this could affect roughly 70,000 children over the next 12 months alone. Given the current backlog of cases within the family courts, we believe that this decision will exacerbate delays in accessing interventions and cause critical missed opportunities to engage with people who genuinely want to stop using abusive behaviour but need safe and signposted pathways to do so.

Safeguarding

Respect and its members are deeply concerned about the impact of the current gap in provision on vulnerable children in the family court arena; DAPPs play a crucial role in helping courts to understand and assess whether an abusive parent is capable of making, and sustaining, changes to their behaviour so that children can be appropriately safeguarded. They also provide support and advocacy for resident parents, ongoing risk management, and a means by which new risks can be identified and communicated to the court.

Lack of quality assurance

The Respect Standard, that was agreed with CAFCASS England when the DAPP Pathways were established, clearly states that DAPP providers will not accept self-referrals onto their programmes for families who are in court proceedings – this is to avoid a situation in which those services are asked to provide reports and interventions without proper funding or the requisite feedback and reporting mechanisms to make the work safe, viable and in the best interests of the children involved.

In the absence of agreed and regulated pathways, parents in need of DAPPs are now being advised to self-refer to services, opening the door to widespread use of unsafe and/or unregulated interventions. Furthermore, we are concerned that courts could direct abusive parents to seek support from services that have no reporting mechanism in place, so that any risk-relevant information about their attendance and engagement with the service, or in relation to the other parent and children, would be 'owned' by the perpetrator and not automatically reported to the court and/or Family Court Advisor. It is not only Respect, its accredited members, and the wider sector that are extremely concerned about the impact of this decision – to date since the announcement, Respect has received 60 phone calls to its helpline on this issue. Many callers have expressed desperation and frustration about not knowing what options they now have, to establish contact with their children.

Lack of consultation

Respect is concerned that this decision may have been made without sufficient consultation; indeed, the DAPP Review Steering Group was convened in August 2021 but has not met since December 2021. Lack of rigorous consultation will prevent the sector from contributing critical input on the impact of this decision on adult and child survivors of domestic abuse, existing DAPP service providers,

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and the wider family court process. For instance, many Respect-accredited services will be hugely affected by this decision and some services will be forced to close.

Lack of interim provision

Currently, there are no means by which a court can test a parent's capacity to change their behaviour, maintain those changes, or understand any new or ongoing risks to the children posed by contact arrangements. We have serious concerns about how cases can be progressed safely through the family courts with the prospect of an 18-month gap in service provision. Furthermore, with the recent publication of the Domestic Abuse Plan by the Home Office, we are concerned that the nature of this decision is out of line with the commitments to tackling perpetrators stated within the Plan.

Moving towards a solution

Respect recognises that change is needed in relation to family court cases involving domestic abuse, specifically in terms of the type of DAPPs provided. However, the proposed gap in service provision until mid-2024 is untenable, and – most importantly – unsafe. Throughout May and June 2022, Respect has been working closely with the MOJ to explore potential solutions to the difficulties that this decision has generated, but to date no such solution has been identified or implemented, and neither DAPP providers nor the Judiciary have, to our knowledge, received guidance from the MOJ as to what families in need of DAPP pathways should currently do.

Questions to the Minister

- Why was the decision made to terminate agreements with DAPP providers when no interim measures had been put in place to ensure referrals could continue to be made to quality-assured programmes?
- In the absence of consultation with the DAPP Review Steering Group, what consultation did take place, and with which stakeholders?
- What assessment has the MoJ made on the impact of this decision on victim/survivors of domestic abuse and their safety?
- What assessment has the MoJ made on the impact of this decision on third sector organisations relative to statutory ones?
- When can the family courts and specialist providers expect further guidance on referral to DAPPs as part child arrangement order proceedings?
- What, if any, interim provision will be put in place to ensure that children and victim-survivors are safe?
- When will the MoJ begin consultation on a new commissioning framework for future DAPP provision?

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