



Working with perpetrators with criminal justice involvement or in Family Court proceedings – Briefing for Commissioners, Funders, Policy Makers, and referring agencies. May 2023

Background

The [Respect Standard](#) is a quality assurance framework for safe, effective, and survivor-focused work with perpetrators of domestic abuse. It was developed so that members of the public, including survivors and perpetrators, funders, commissioners, and other professionals, could be assured of high-quality, safety-focused, and effective services. The first edition was published in 2008. As the domestic abuse perpetrator sector has grown over the years, the Standard has evolved and expanded to manage the diversity of interventions. The most recent edition is the fourth, published in December 2022.

The Respect Standard is accompanied by a comprehensive and robust accreditation assessment process that includes:

- Assessing all aspects of a domestic abuse perpetrator intervention delivery, including a review of case files and of recorded sessions.
- Interviewing frontline staff and Service Managers to assess the quality and effectiveness of delivery.
- An independent, external panel of experts who decide whether to award accreditation.

When is working with perpetrators unsafe?

The Respect Standard describes how a domestic abuse intervention for perpetrators should be delivered and what elements should be in place. In some cases, an intervention could put survivors at risk of more harm, so the first of Respect's seven Principles that underpin the Respect Standard is 'Safety First – Do No Harm' and it states:

"...Intervention staff must ... take all reasonable steps to ensure that they do not create additional risk and harm for survivors. This may mean not offering an intervention to someone where to do so could raise the risk."

People often think that doing something with a perpetrator is better than doing nothing, but in cases such as these, despite the good intentions and

professional skills of service providers, doing something can do more harm than good.

Organisations have a duty of responsibility and care not to inadvertently contribute to system-generated risk.

Respect has advocated for a very long time that accepting perpetrators onto a Domestic Abuse Perpetrator Programme (DAPP) is unsafe under the following circumstances:

1. Working with perpetrators with criminal justice involvement

Perpetrators investigated for a domestic abuse related criminal charge or those going through a trial for a criminal charge may attempt to self-refer onto a DAPP, often on the advice of a solicitor. The primary motivation for this may be to influence an ongoing investigation and subsequent charge or to use as evidence in mitigation for a more lenient sentence.

Acceptance for an assessment by a DAPP and/or an offer for a place on such a programme can be used, and has been used in some cases, as evidence presented by the Defence Solicitor in a Criminal Court that could influence the sentencing outcome and, therefore, due process.

In doing so, the Criminal Justice System could inadvertently collude with the perpetrator, without evidence that the perpetrator is genuinely motivated to address and change their behaviour and without any guarantees that they will complete attendance on the programme (and if they do complete the programme, without a process to determine whether the perpetrator has changed their behaviour sufficiently to be considered safe to be in contact with the partner they abused or their children).

Enabling a situation where a perpetrator manages to manipulate the Criminal Justice System in this way places the survivor at further risk of abuse and compromises their access to justice.

With regards to self-referral at the pre-charge stage, perpetrators may use acceptance for an assessment or an offer of a place onto a DAPP, to manipulate or coerce the survivor into dropping the charges, or the Police may not pursue an investigation or a charge on the grounds that the perpetrator is now undertaking an intervention. There is no statutory organisation involvement to feed information in a multi-agency forum, whereby the perpetrator can be held accountable for non-compliance or non-engagement.

Whilst a perpetrator may appear motivated to change their behaviour, it is safer at the pre-sentence or pre-charge stage not to offer an intervention until after the criminal justice process has finished, to ensure that attendance on the intervention does not interfere with the process of justice or compromise the survivor's safety.

The Respect Standard (fourth edition, 2022) addresses this issue by giving DAPP providers clear guidance and setting unambiguous expectations:

B3.4 Intervention staff assess perpetrators for criminal justice involvement and do not accept the referral until the criminal justice process has been concluded.

Perpetrators should be advised to self-refer after the CJS matters have been resolved. Those who are genuinely motivated to change their abusive behaviours will do so after justice has been served.

2. Working with perpetrators in Family Court cases

Until recently, Cafcass England commissioned DAPPs in Child Arrangement Order proceedings. This meant that funded places were available on quality-assured programmes for parents wishing to have contact with their child/ren, on the condition that they work on their abusive behaviour by attending such a programme. A Judge could make a court order for a parent to attend at no cost to themselves. Information-sharing and safeguarding agreements were in place to appropriately safeguard children in such proceedings. Within this system, DAPP providers were able to report to the Family Court and Cafcass on the progress of the parent attending the programme ordered by the Judge, who was then able to make an informed decision about Child Arrangement Order proceedings.

In April 2022, Cafcass England informed all programme providers that they would no longer be funding these programmes as part of Child Arrangement Order proceedings. The Ministry of Justice confirmed this decision, and, at present, no alternative arrangements have been confirmed, despite assurances that there would be.

Respect is aware that a number of parents in Child Arrangement Order proceedings have been advised to self-refer to a Respect-accredited DAPP. Without the previous information-sharing and safeguarding agreements system in place, however, Respect took the view, in consultation with its accredited members, that this was not a safe or appropriate solution.

Respect revised the relevant standard to give Respect-accredited services clarity and set expectations:

B5.7 Where children are the subject of Private Law proceedings, or have been in the last 12 months, services must not offer a behaviour-change intervention for parents.

A case study of a perpetrator charged with coercive control using a DAPP to his advantage	A case study of a perpetrator using attendance on a DAPP to gain child contact
<ul style="list-style-type: none"> • A perpetrator is arrested and charged with an offence of Coercive Control. • He makes a self-referral to a DAPP, on the advice of his solicitor. He is offered an assessment and, subsequently, a place on the DAPP. • At the time of the Court appearance, he has provided text messages and email exchanges about appointments and acceptance onto the DAPP to his Solicitor. The Solicitor presents these in Court as evidence to support mitigation for the offence. • The Judge takes this into consideration and reduces the sentence to allow him to continue attending the DAPP. • The perpetrator disengages from the DAPP shortly after. 	<ul style="list-style-type: none"> • The partner of a domestic abuse victim has applied to Family Court to have contact with their children. • The Judge orders a DAPP be completed and closes the case. • The perpetrator self-refers onto a DAPP, he is offered a place and completes the intervention. The perpetrator then re-opens the Family Court case and requests an attendance and progress report from the DAPP. • The DAPP declines the request, so the perpetrator makes a Subject Access Request instead. • The information provided in the SAR is then used within the Family Court to evidence his attendance on the DAPP without considering the survivor's and their children's needs and safety. • The Judge grants contact to the perpetrator.

In both examples above, the Respect Standards are not being adhered to, in addition to the 'do no harm' principle. Both decisions have been made with the focus on the perpetrators' needs, above those of the survivors and their children. In both cases it would have been safer for the survivor and their children for the DAPP not to offer an intervention to the perpetrator.

For more information about the Respect Standard and the accreditation process, including costs, please contact emma.hier@respect.org.uk or ippo.panteloudakis@respect.org.uk
<https://www.respect.org.uk/pages/respect-accredited-services>

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