

All Party Parliamentary Group on Perpetrators of Domestic Abuse

Minutes: Perpetrators and the Family Court

Date and time: 14:00 – 15:00, Tuesday 17 October 2023

Location: Room O, Portcullis House, 1 Victoria Embankment, London, SW1A 2JR

Attendees:

Alex Davies-Jones MP (Labour);
Kate Kniveton MP (Conservative);
Jill Mortimer MP (Conservative);
Nicole Jacobs, Domestic Abuse Commissioner;
Jo Todd, Respect;
Mandip Ghai, Rights of Women;
Lucy Hadley, Women's Aid;
Kyla Kirkpatrick, The Drive Partnership;
Verona Taylor-Blackford, SafeLives;
Laurie Sutcliffe, Office of Alex Davies-Jones MP;
Will Scheffler, Office of Christine Jardine MP;
Ailsa Malcolm, The Drive Partnership;
Toby North, The Drive Partnership.

Welcome from Chair

Alex Davies-Jones MP welcomed attendees, outlined the focus of the meeting, and opened introductions.

Domestic Abuse Commissioner's Report on Family Courts and Domestic Abuse

Nicole Jacobs shared an overview of the Domestic Abuse Commissioner's [Report on Family Courts and Domestic Abuse](#), published in July 2023, which highlighted ongoing concerns about how the Family Courts impact victim-survivors of abuse, including children, and outlined plans for wholesale reform of the system. Key issues highlighted by victim-survivors and practitioners within the report include: a lack of transparency making it difficult to understand the volume of inconsistencies and practice failures; a lack of understanding around domestic abuse leading to the minimisation of abuse, and with it, re-traumatisation; and a lack of consideration of the voice of the child and

the harm caused to children through unsafe contact orders, especially in cases of so-called 'parental alienation'. The report details 10 recommendations, including focuses on culture change, greater transparency, sustainable funding, victim-survivor support and advocacy, and increasing the Family Court's focus on the voice of the child.

The Domestic Abuse Commissioner's report aimed to echo the issues identified in the Harm Panel report while also reflecting the many concerns of victim-survivors and practitioners contacting the Domestic Abuse Commissioner's Office in relation to the Family Courts – which is one of the most common issues that the Office is contacted about. *Nicole Jacobs* reiterated the urgent need for reform, with little progress made since the publication of the Harm Panel report – while there is broad agreement on the need for change and positive commitments towards this, progress is not moving fast or far enough. Positives include the piloting of pathfinder sites, which the Domestic Abuse Commissioner's Office hopes will be rolled out further. *Nicole Jacobs* also suggested that learning from other countries should be incorporated into planning and action – for example, in Australia, Safe & Together has trained the entire system allowing for consistency in understanding of, and best practice in, domestic abuse responses.

Domestic Abuse Perpetrator Programmes in the Family Court

Mandip Ghai shared an overview of the removal of Domestic Abuse Perpetrator Programmes (DAPPs) in the Family Courts. DAPPs provide specialist interventions for those who have caused harm within families and are seeking contact with their children – they are quality assured and aim to reduce the risk posed by perpetrators to both child and adult victim-survivors. Previously, Family Courts could refer perpetrators to undertake a DAPP with an Approved Provider – however, in April 2022, CAFCASS England notified Approved Providers that contracts would not be renewed in March 2023. Due to the 6–9-month length of the programmes, this has meant that from 30 June 2022 no new referrals could be made. While there were issues, as outlined in the Harm Panel Report, it was assumed that DAPPs would continue until a new framework was decided – however, there is currently no established referral pathway to a quality-assured programme for perpetrators seeking contact with their children. As a result, there are very limited options other than no contact, which carries its own risks, or supervised contact, which is impractical, expensive and dangerous.

Furthermore, through the Rights of Women advice line, it is clear that many mothers are not against child contact, they just want to ensure that it is safe and quality assured. *Mandip Ghai* called for urgent update on the progress of a new framework, and interim provision to be put in place until the new framework is implemented.

Mediation in the Family Courts

Lucy Hadley opened the discussion by marking the upcoming 20-year anniversary since Women's Aid's publication '29 Child Homicides', and shared an overview of concerns regarding the Ministry of Justice's proposals for mandatory mediation in the Family Courts, as outlined in the ['Supporting earlier resolution of private family law arrangements'](#). The proposals for mandatory mediation do exclude domestic abuse, however they don't account for the myriad of reasons why a victim-survivor might not be able, or want, to disclose abuse. In turn, the proposals risk equipping perpetrators with more tools for abuse within the Family Courts and exposing victim-survivors to further abuse and re-traumatization. If the proposals go ahead, there are also serious concerns regarding the level of specialist domestic abuse training that mediators would have, and their ability to effectively identify and navigate domestic abuse. Finally, the proposals risk exacerbating existing inequalities that many victim-survivors already face in the Family Courts. *Lucy Hadley* echoed earlier comments on the mismatch between aims and progress in improving responses to domestic abuse and experiences of victim-survivors in the Family Courts; highlighting the proposals as a backwards step in terms of victim-survivor safety and trauma-informed responses to domestic abuse. The sector is still awaiting the Government's response to the consultation.

SafeLives' domestic abuse training for family lawyers

Verona Taylor-Blackford shared an overview of SafeLives' work to develop and pilot domestic abuse training for family lawyers supported by funding from the Legal Education Foundation following recommendations from the Harm Panel Report. This included two streams of discovery research, which showed very negative experiences and lack of trauma informed approaches in lawyering. SafeLives also undertook research of professionals' understanding of domestic abuse, including the dynamics of abuse, impacts of abuse on children, impacts of trauma on how a victim-survivor might present, and how to practice a trauma-informed approach in family law. From

this research, SafeLives developed a one-day course including a specialist course on engaging with perpetrators. Focusing on engaging with perpetrators is particularly important as SafeLives found examples of lawyers using tactics in defence of perpetrators that could re-traumatise victim-survivors, examples of lawyers denying or downplaying domestic abuse even when it had been identified, and examples of lawyers themselves being subjected to perpetrators' abusive tactics. SafeLives' specialist course on engaging with perpetrators is designed to ensure that lawyers have the knowledge, skills and confidence to safely engage with perpetrators in a way that avoids collusion or further re-traumatisation of victim-survivors. In turn, SafeLives recently published a report on this work, titled ['Is there a human being behind that?'](#), which demonstrates the transformative impact of specialist domestic abuse training on family lawyers' work with clients experiencing harm. The report found that over three-quarters (78%) of family lawyers who had undertaken SafeLives' training said it would have a profound impact on how they interact with clients, and 90% felt equipped to take a trauma-informed approach in their work with both adult and child victim-survivors. The report includes a series of recommendations, including calls for the Ministry of Justice to commission regular specialist training.

Questions/discussion

- *Jill Mortimer* asked about issues arising from assumptions of innocence, and balancing competing rights within a trial.
- *Nicole Jacobs* highlighted the CAFCASS assessment as important for evidence gathering, but also noted that there needs to be more pathways to gathering information to create a fuller picture and make informed assessments.
- *Mandip Ghai* added that there are systems in place for abuse to be determined.
- *Verona Taylor-Blackford* outlined importance of specialist domestic abuse services and IDVAs throughout the process – particularly in terms of feeding into child assessment needs.

- *Jill Mortimer* asked about the effectiveness of DAPPs in increasing the safety of victim-survivors.
- *Jo Todd* outlined that, through Respect accreditation, DAPPs are quality-assured and extensive – born from a feminist approach that seeks to unpick the

gendered issues that underpin many perpetrators' attitudes and actions. They are also accompanied by integrated victim-survivor support services that ensure risk assessment and safety is always central to the course.

- *Kate Kniveton*, adding to earlier comments on assumptions of innocence, reiterated how difficult the courtroom experience is for victim-survivors.

Actions: Share letter with Ministry of Justice highlighting key issues raised.