

## Routes into approved domestic violence prevention services for families coming to the attention of Cafcass staff

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### Domestic violence risk identified

Cafcass becomes aware of domestic violence concerns because these have been flagged up in the C100, through the results of safeguarding checks, risk identification interviews or other assessment work or through findings/concessions of fact arising from the court process.

### Domestic violence and other risk assessed

If domestic violence concerns come to light then the domestic violence risk indicator checklist (the MARAC form) in the Cafcass Domestic Violence toolkit appendix needs to be completed. This is in addition to the Cafcass risk identification form – it forms part of the more detailed assessment work. The checklist is there to support the judgement of practitioners. Once the checklist has been completed and the other possible risks to the child have been explored, the Cafcass officer, acting in line with the current Cafcass Safeguarding Framework, will need to consider the most appropriate options to recommend to the court. For example, contact between a father and child via Dads Space 1-2-1 may contribute to management of risk.

In high risk cases a referral to MARAC should be considered.

If there is concern about significant harm to children, then a child protection referral should be made at whatever stage of the process this arises.

Two other options to respond to domestic violence risks are:

#### **A. Full risk assessment by a domestic violence expert (e.g. someone with a post -graduate qualification in a relevant field, e.g. psychology, extensive clinical experience including domestic violence work and the relevant domestic violence risk assessment training)**

A full risk assessment will consider all the information in relation to the family and undertake interviews with both parents and in some cases other family members. In most cases a finding of fact in relation to the domestic violence will be required prior to a full domestic violence risk assessment. The assessment will consider the following:

- history of domestic violence and the possible impact on the child
- likelihood of further exposure of the child to abusive behaviour
- parents' understanding of the impact of the domestic violence on the children

- range of other factors that may have contributed to domestic violence risks
- motivation for seeking contact
- recommendations as to how best to manage the risks

### **When should the Cafcass FCA recommend that the court consider a full domestic violence risk assessment**

- If the Cafcass officer believes that the court does not have a full picture of the domestic violence risks and so no consideration of the viability of contact that is safe and positive for the child is yet possible
- Where there has been domestic violence post-separation, particularly at contact handovers
- Where levels of hostility, conflict and fear need to be more fully understood and addressed before contact should be positively considered by the court
- Where there are uncertainties about the extent, severity and nature of the domestic violence in particular where it appears to be escalating
- Where there are significant concerns that the child will be at risk of further exposure to domestic violence if contact takes place
- Where there is a complex pattern of intersecting risk concerns e.g. history of violence, substance misuse, non-violent criminal activity, and mental health concerns etc

### **Funding of full domestic violence risk assessment**

The Legal Services Commission (LSC) may fund full domestic violence risk assessments where the applicant for the contact is in receipt of legal aid and the court requests this in order to assist it in reaching a decision as to the possibility of contact in the case before them. Only the LSC can give 'prior authority' to ensure that the costs will be paid out of the limited Community Legal Service Fund on behalf of the legally aided/publicly funded client. Prior authority need not be sought as a matter of course in every case.

### **Applicants not in receipt of legal aid/public funding**

Applicants who are self-funding will need to fund their own full domestic violence risk assessment. Costs cannot be shared or passed on to any other party's funding/legal aid certificate.

### **Process of a full domestic violence risk assessment**

If the court accepts a recommendation that a full risk assessment should be undertaken, the court papers (plus criminal records and all police intelligence where these are held by the court) will be released to the assessor who will

then undertake a comprehensive review of static, variable and situational risks. Full domestic violence risk assessments will normally take up to 12 weeks from receipt of the court bundle and completed referral. The final report will include the assessor's views on the likelihood for further abuse specifically in relation to child contact and will recommend ways to reduce this and other risks.

One of the possible recommendations could be that the perpetrator attends a domestic violence programme, under the terms of a contact activity direction or contact activity condition. If the court accepts this recommendation then some assessment of the client's suitability for the programme will need to take place. In cases where there has been a full domestic violence risk assessment this will be straightforward and largely paper based. The prospective DV programme provider will need to see the full domestic violence risk assessment report and a discussion between the assessor and provider should provide an adequate basis for determining the client's suitability for the programme. Therefore, the court's permission for this disclosure of information must be obtained at the same time at which the court commissions advice from Cafcass (and, through Cafcass, from the prospective DV programme provider) about the suitability of the client to undertake the DV programme. Any costs of such an assessment by the provider of a programme will not be met by the LSC on behalf of legally aided/publicly funded clients.

Following this assessment, Cafcass, supported by the potential provider, may recommend that the individual is suitable to be made the subject of a contact activity direction or condition, requiring that they attend the DV programme. Subsequently, the provider will report back to the court by providing a report to Cafcass, on the individual's attendance, engagement while on the programme and specific concerns in relation to risk. This requirement on Cafcass to monitor and on the provider to notify Cafcass will need to be specified in the court order which imposes the contact activity direction or condition. In many cases the court may want the assessor to revisit any previous full assessment that may have been undertaken before it makes further decisions about contact. This will normally occur at the end of the domestic violence programme. Any costs of such an assessment by the provider of a programme will not be met by the LSC on behalf of legally aided/publicly funded clients.

Where the full domestic violence risk assessment does not recommend attendance on a programme then other options will be outlined in the assessor's report.

## **B. Court-directed participation in domestic violence programmes in cases where a full risk assessment has not already taken place**

Many of the cases before the court, in which Cafcass is also involved, will require a full domestic violence risk assessment, but for some there will be little to gain from this process. Where the Cafcass officer is confident that they

have an adequate picture of the risks to the child and resident parent in relation to domestic violence then a further delay for a full risk assessment will not significantly improve the ability of the court to make decisions in relation to contact. If the applicant is in agreement with the Cafcass officer's recommendations, particularly in relation to contact activity, then a court direction that an availability and suitability assessment for participation in a domestic violence programme will be appropriate. Any costs of such availability or suitability assessment by the provider of a programme will not be met by the LSC on behalf of legally aided/publicly funded clients

The Cafcass officer should then approach one of the DCSF-approved domestic violence programme providers to request an assessment of the suitability of the individual to undertake a DV programme under the terms of a contact activity direction or condition.

Positive factors that might justify a Cafcass recommendation to the court that a contact activity direction/condition should be considered:

- both parents' versions of events are similar
- perpetrator accepts responsibility for their behaviour
- perpetrator shows a willingness to engage with the programme
- there is some understanding from the perpetrator about the impact on the child of the domestic violence
- the child wants contact
- there are no complicating factors (mental health, substance misuse etc)
- risk of further violence or abuse is low to medium

### **Provider suitability and treatment assessment**

This suitability assessment will look at whether the applicant has the potential to benefit from the domestic violence programme and will focus on motivation, levels of understanding and insight and the identification of the psychosocial factors that the programme will aim to address. The assessment requires either one or two meetings between the perpetrator and domestic violence programme staff. The Cafcass officer should complete the standard referral form for DV providers and share all relevant information on the family with domestic violence programme staff as part of this process, seeking the court's prior agreement to disclose the necessary information.

All DCSF-approved domestic violence prevention programmes will also provide parallel support services for the partners and ex-partners of the men referred to them. This service will be offered both to perpetrators' ex-partners and current partners, if any. This assessment will usually take six weeks from receipt of all referral information by the provider.

If the perpetrator is offered a place on the programme this will start at the earliest opportunity after the court has made a contact activity

direction/imposed a contact activity condition. The programme provider's pre-contact activity assessment of risk will be limited to the issue of the potential for beneficial involvement in the DV programme as a contact activity. The programme provider will report back to the Cafcass officer on attendance, engagement and concerns in relation to risk in accordance with the directions of the court.

Diagram of pathways into approved domestic violence prevention services for families coming to the attention of Cafcass

