

Domestic abuse practice policy

(Professional Cafcass grouping: Social work practitioners and managers)

*Cafcass policies are designed to support and strengthen the accountability of Family Court Advisers (FCAs), Children's Guardians, and their managers in safeguarding children, supporting families, staff, and upholding the reputation of Cafcass. They do not supplant or negate the balanced professional judgement that is required in preparing advice for the family court. Nor are they intended to compromise the independence of FCAs and Children's Guardians who are appointed by the family court. **Our policies do not stand alone as a set of rules. They set out what is expected as an integral part of effective professional practice in preparing advice for family court proceedings, and they must be applied in parallel with professional assessment and the balancing of information about what is known and understood in respect of the safety, welfare and best interests of children.** Our policies derive from legislation and from what we learn in practice quality audits, court judgments, significant incidents, learning reviews, feedback, and complaints. They are public documents against which we can be held accountable collectively and individually. If they are not adhered to, Cafcass and individual FCAs, Children's Guardians and managers can be subject to challenge through complaints, the Parliamentary & Health Services Ombudsman, referral to Social Work England, or a Judicial Review. A decision not to adhere to the requirements set down in a policy intended to protect children must be supported by a thorough assessment and compelling rationale, reflected through a discussion with a manager and recorded. Policies are, therefore, subject to monitoring for compliance. Key policies that are new or updated are subject to attestation¹ by all staff or specified professional groups of staff where appropriate.*

Why is this important for children?

This policy sets out practice requirements that support practitioners and managers to improve the effectiveness of their practice and advice to the court for children and adults who have experienced or are experiencing domestic abuse. Children are recognised as victims of domestic abuse within the [Domestic Abuse Act 2021](#). They want to be listened to, taken seriously, treated respectfully and to be believed when they share their experiences.² This policy requires practitioners to listen to children and adults who have experienced domestic abuse, to assess the harm or risk of further harm to them from that abuse, and to accurately record and share with the court what they have been told in their own words, acknowledging efforts made by safe parents to protect their child/ren. In respect of child victims of domestic abuse, especially babies, younger children, and those with additional needs who are at greater risk of harm and where they are unable to use words to describe their experiences, practitioners must be especially clear about harm or the risk of harm to them by listening to their primary carers and those who know them well. This must also include reviewing previous proceedings and all information that is known regarding incidents or reports of physical, sexual, emotional abuse and neglect, making it clear to the court how the information has informed the advice submitted and the associated recommendations.

¹ Cafcass process requiring its employees to confirm they have read, understood, and will act in accordance with a policy.

² Findings from the Domestic Abuse Commissioner's [Tell Nicole report](#)

What is the purpose of this policy?

This policy sets out the actions that Cafcass practitioners and managers must undertake when working with children and adults who have or may have experienced domestic abuse and for whom therefore, the requirements and definitions of the [Domestic Abuse Act 2021](#) and its accompanying [statutory guidance](#) apply. It is informed by [Practice Direction 12J](#) and by our understanding of the impact of domestic abuse and harmful parenting on a child and the child's primary and protective carers. The protection of children from harm or further harm is the central and fundamental purpose of this policy.

“Domestic abuse is harmful to children, and/or puts children at risk of harm, including where they are victims of domestic abuse for example by witnessing one of their parents being violent or abusive to the other parent, or living in a home in which domestic abuse is perpetrated (even if the child is too young to be conscious of the behaviour). Children may suffer direct physical, psychological and/or emotional harm from living with and being victims of domestic abuse, and may also suffer harm indirectly where the domestic abuse impairs the parenting capacity of either or both of their parents.” Practice Direction 12J – paragraph 4

Domestic abuse practice policy

1. Practitioners must make clear in their assessments when there is evidence that a child is or is likely to be a victim of domestic abuse. **The Domestic Abuse Act 2021 recognises a child as a victim of domestic abuse if they see, hear, or experience the effects of domestic abuse and are related to, or cared for by an adult with parental responsibility who is the person being abused or the perpetrator of the abuse.** Throughout this policy, references to victims of domestic abuse refers to both child and adult victims, as defined in the Act.
2. This means being specific about what has happened to the child or what the practitioner has been told has happened, what is already known, and the further risk of harm to them should they live with or spend time with a domestically abusive parent or carer, including having family time³ that is supervised and other forms of contact such as letters, telephone and video calls. This applies to both public and private law proceedings and **this information must weigh heavily in any analysis, assessment, and advice to the court.**
3. The child's experiences, views, wishes and feelings must be clearly set out. If they are too young or have additional needs, their perspective and the impact on them of harm that has already happened or the risk of further harm must still be clear to the court, including as described by other adults and professionals who know them. Practitioners must follow Cafcass' policy and guidance on [engaging with partners, grandparents, wider family members and professionals](#).
4. The analysis must include the impact on the parent or carers with parental responsibility and their capacity and safety if they are or it is proposed they are to manage family time with an adult who is or may be a risk to their child and to them. **This information must weigh heavily in any analysis, assessment, and advice to the court.**

³ Also known as contact

5. Practitioners must **provide a clear, unequivocal, evidence-informed, and compelling rationale** in their reports to court for recommending 'time with' or 'live with' arrangements with a parent when domestic abuse and harm has been reported to the practitioner by the child, by one or both parents, or by others known to the family.
6. **When assessing the harm and risk of future harm to children from adults in proceedings who are perpetrators of domestic abuse**, practitioners must first consider the safety of the child/ren at the time of the application. Any concerns need to be actioned in accordance with the Cafcass [Child Safeguarding Policy](#) and associated requirements. The advice to the court regarding future arrangements for children, in addition to clearly assessing harm and risk of future harm, must also include:
 - a) The life-long impact of domestic abuse that is caused to child and adult victims and how this has been assessed in the advice.
 - b) The perpetrator's perspective and recognition of the harm their behaviour has caused their victims.
 - c) The extent to which the perpetrator has taken responsibility for the harm they have caused and why in their opinion, there is no continued risk of harm.
 - d) The actions the perpetrator has taken to sustain change in their attitude and to stop their harmful behaviour, which has been demonstrated over time.
 - e) Evidence that enables the practitioner to advise the court that spending time arrangements are safe and in a child's best interests.
7. Practitioners must include within their analysis, the understanding they have of faith and culture within the family and whether there are any associated beliefs and attitudes about domestic abuse that will impact the safety and welfare arrangements for the child. Practitioners must also consider honour-based abuse, defined in statutory guidance as a crime or incident which has or may have been committed to protect or defend the perceived honour of the family and/or community, in their assessment. **There is no scenario in which abuse of a child or adult can be accepted on the basis of faith and culture.**
8. **Practitioners are required to discuss cases with a manager and access supervision in line with Cafcass' [management support, supervision, and oversight](#) policy.** This is so that practitioners have the opportunity to reflect and consider how to balance complex and often conflicting and contested issues in their duty to safeguard children. Effective supervision enables the balance between support and challenge, independence and professional accountability.
9. Importantly, supervision also offers the opportunity to consider any risk or fear experienced by the practitioner in any **dealings with aggressive, intimidating and/or controlling behaviour in proceedings by adults** and to reflect on the perspective this brings to understanding the lived experiences of and risk of harm to the children and the adults around them. Action must be taken where this is required to protect children as well as yourselves and other professionals.

10. **In long running or repeat proceedings, practitioners must reflect and take account of previous history and patterns of behaviour, concerns, reports of or known domestic abuse, safeguarding checks, previous findings of fact and criminal history**, identifying any gaps or themes including the reasons for proceedings (which might be used to further control and abuse victims). Further or additional police information which becomes available during proceedings must be scrutinised to inform assessment and new or additional reports to court.
11. Practitioners must continuously reflect on their own practice and learning and how they are applying training to their practice **to improve their understanding of domestic abuse, including coercive control. They must also reflect on how their own experiences, values, and beliefs** impact on their engagement with and response to families and children who have or may have experienced domestic abuse.
12. Practitioners must use [Cafcass' domestic abuse practice pathway](#), training, practice guidance, and relevant practice aids to analyse and assess all accounts of domestic abuse, coercively controlling and other high-risk behaviours, and the impact of these on each child and adult victim, including connected children who are not the subject of proceedings.

Child safeguarding

13. Formal child protection practice and guidance as set out in both [Working Together \(2026\)](#) and Cafcass' Child Safeguarding policy must be uppermost in the minds of practitioners and managers when they are engaging with children and adults who are or may be the victims of domestic abuse.

Public Law

14. The local authority, as the corporate parent, will lead in the assessment of harm and risk of harm from domestic abuse for both interim and final arrangements, in accordance with their statutory duties. It is appropriate that the Children's Guardian scrutinises the arrangements and assures themselves that the risk of harm or actual harm has been robustly investigated and described to the court. The Children's Guardian should form a view in terms of safety planning and the safety of the proposed arrangements and share their views with the local authority and in the advice to the court. It is likely that there will be interim arrangements supervised by a professional whilst assessments are taking place, and the nature of this supervision should also be clearly set out to the court.

Private Law

15. When practitioners recognise through their assessment, either because children themselves and/or adults directly involved or others known to the family describe, domestic abuse including coercive control, rape and similar criminal acts, and the child is living with or spending time with the parent who is or may have perpetrated these acts, practitioners must consider and describe in their reports to court, **how** they have assessed the harm or risk of further harm to a child and their main carer.

16. *“The court must, at all stages of the proceedings, and specifically at the First Hearing Dispute Resolution Appointment ('FHDRA'), consider whether domestic abuse is raised as an issue, either by the parties or by Cafcass or CAFCASS Cymru or otherwise, and if so must:*
- identify at the earliest opportunity (usually at the FHDRA) the factual and welfare issues involved*
 - consider the nature of any allegation, admission or evidence of domestic abuse, and the extent to which it would be likely to be relevant in deciding whether to make a child arrangements order and, if so, in what terms*
 - give directions to enable contested relevant factual and welfare issues to be tried as soon as possible and fairly*
 - ensure that where domestic abuse is admitted or proven, any child arrangements order in place protects the safety and wellbeing of the child and the parent with whom the child is living, and does not expose either of them to the risk of further harm*
 - ensure that any interim child arrangements order (i.e. considered by the court before determination of the facts, and in the absence of admission) is only made having followed the guidance in paragraphs 25–27 of the practice direction. In particular, the court must be satisfied that any contact ordered with a parent who has perpetrated domestic abuse does not expose the child and/or other parent to the risk of harm and is in the best interests of the child.” – Practice Direction 12J, Paragraph 5*
17. **Where an assessment by a practitioner concludes that a child is at risk of harm, they report they are being harmed or they are known to have been harmed,** then formal child protection procedures must be followed in the form of a referral to the local authority children’s social care service where the child is living, only if there is a current risk to the child. **If such a referral is made, then a 16A⁴ risk assessment report should be made to the court simultaneously, setting out the rationale for any urgent action and any court directions that are required to protect the child/ren.**
18. **A 16A risk assessment report to the court should only be made when the current or proposed arrangements present a risk of harm to the child, or the child has been or is being harmed and urgent action is required.** It is critical that the nature of risk and harm is explained to the court and to the local authority in the rationale for the 16A submission.
19. **The action set out in the paragraph above must be followed in all proceedings, including repeat proceedings, where the child is considered to be at risk of harm or has been harmed.** Referral and risk assessment reports must clearly set out previous concerns and decisions in respect of the safety and welfare of the children, including what has changed and why the assessment of the risk has changed. Critically, where a child is being harmed or is at risk of harm, an assessment of the safety of existing arrangements must be made in both referrals and risk assessments submitted to the court.

⁴ “There is a continuing duty on the Cafcass Officer/Welsh FPO which requires them to provide a risk assessment for the court under section 16A Children Act 1989 if they are given cause to suspect that the child concerned is at risk of harm. Specific provision about service of a risk assessment under section 16A of the 1989 Act is made by rule 12.34 of the FPR 2010.” - Practice Direction 12J, paragraph 13

20. The 16A risk assessment should be clear about what the court is being asked to do (if anything) and why, including setting out details of the referral to the local authority and their response to that if it is known.⁵
21. The submission of a 16A report **must not be used as a means to challenge an order of the court when the order has been made after the court has had sight of the practitioner's assessment and recommendation and there is no new information for the court to consider.** Therefore, in this instance a child safeguarding referral could be made without a 16A Risk Assessment. Cafcass' Child Safeguarding Policy sets out the correct approach to such issues.
22. The referral to the local authority must include the request that in addition to any necessary child protection actions, they consider support for the vulnerable adult/victim to make a report to the police and/or local authority adult team responsible for adult protection.
23. Practitioners must follow up their referral to the local authority within 24 hours (one working day) and managers must escalate their concerns to the local authority head of children's social work services if they believe that a local authority decision to take no further action means that the child is being harmed or placed at risk of harm as outlined in the Child Safeguarding Policy and in Working Together 2026.
24. Information from proceedings cannot be shared directly with a Multi-Agency Risk Assessment Conference (MARAC) as this is a multi-disciplinary forum not carrying out a direct child protection responsibility. If a referral is made to local authority children's social care relating to domestic abuse AND the criteria for MARAC are met (i.e. there is high risk of imminent and significant harm), this referral must direct that it is for the local authority to lead and coordinate the work with the MARAC. This request should only be made to the local authority if it has been agreed by a manager that a referral to MARAC should be considered. The referral must explicitly request that the Cafcass practitioner is to be told the outcome on whether the local authority referred to the MARAC and the action that was taken to protect the child/ren and adults involved. As is always the case, the Cafcass practitioner must follow up immediately if they are concerned for the safety of children and escalate until a resolution is given.

⁵ Working Together 2026 requires a local authority to respond to a referral within one working day

25. **Where the resident parent and child are currently living in a refuge or other confidential, protective accommodation** due to a report of domestic abuse by the other parent, practitioners must clearly set out the risks that exist to the court of directing any form of spending time arrangements (in person and other forms of contact including letters, telephone and video contact) that could compromise the confidentiality of the location and therefore safety of the parent and child. Also, if it is necessary for someone to be living in a refuge for their safety, then the criteria for risk of harm or further harm will have been established. In these cases, it is necessary for an assessment of harm and risk of harm to be completed before any spending time arrangements are recommended to the court. In the unusual circumstance, where a parent is living in a refuge with their child/ren and 'time with' has not been suspended, then a referral should be made urgently to children's social care together with a 16A risk assessment to the court, which should recommend suspension of any interim 'time with' arrangements while a full assessment of what is safe for the child is completed.
26. Practitioners should also be aware of [Practice Direction 6D](#) of the Family Procedure Rules 2010 which deals with Service of court papers where there are reasonable grounds to believe that a person is residing in a refuge.

Investigation or conviction of domestic abuse offences, including sexual offences

27. In accordance with section 2a of the [Children Act 1989](#), **the presumption of parental involvement in the life of a child is not absolute**. The presumption falls away when the parent has caused harm or there is a risk of harm or further harm to the child.⁶
28. In considering recommendations for **family time when the applicant or respondent has a conviction, or has been sentenced in respect of an offence in relation to domestic abuse (including coercive control), violence or a sexual offence, practitioners** must consider that the adult or adults concerned present a risk of significant harm to the child, connected children and the main carers. The advice to the court should clearly set out an analysis of the risk of harm to the child and how this affects the advice regarding family time and/or live with arrangements, including any action that should be taken to protect the child/ren and their main carer from harm or risk of further harm. **The same considerations must also be made when Cafcass safeguarding checks establish that there is an ongoing police investigation (including repeat investigations that have resulted in no further action) in respect of domestic abuse (including coercive control), violence or sexual offending.** Further guidance on the identification and analysis of the impact of sexually harmful and abusive adult behaviour for children is included at **Annex B**.

⁶ At the time of writing (the reissue of the policy in December 2025), the Government has announced its intention to remove the presumption. This has not yet become law and the presumption remains. Annex A to this policy is added to provide guidance for Cafcass practitioners.

29. As set out in paragraphs 1-4 on page 2 of this policy, the advice and assessment required for the court from the practitioner, must set out action that has been taken to:

- a) Comply with the statutory guidance set out in Working Together 2026 in respect of making a referral to the local authority children's social care service where the child/ren live/s **if the child is at risk of harm or has been harmed.**
- b) Consider the immediate safety of the child and any connected children.
- c) Make the court aware of the harm to the child/ren or the risk of significant harm by the submission of a 16A report with recommendations as to what the court is being asked to do, why and by when – see paragraphs 13-19 of this policy.

Practice Direction 12J

30. If a parent has a conviction for domestic abuse including physical offences, honour-based offences and/or a sexual offence such as rape, the risk of harm to a child of contact with that parent is to be considered as significant. **Practice Direction 12J paragraphs 35-37** must be followed to evidence the risks to the child. Attention is drawn to the particular extracts of the Practice Direction below,

The court should make an order for contact only if it is satisfied-

- (a) that the physical and emotional safety of the child and the parent with whom the child is living can, as far as possible, be secured before, during and after contact; and*
- (b) that the parent with whom the child is living will not be subjected to further domestic abuse by the other parent.*

In every case where a finding or admission of domestic abuse is made, or where domestic abuse is otherwise established, the court should consider the conduct of both parents towards each other and towards the child and the impact of the same. In particular, the court should consider –

- (a) the effect of the domestic abuse on the child and on the arrangements for where the child is living;*
- (b) the effect of the domestic abuse on the child and its effect on the child's relationship with the parents;*
- (c) whether the parent is motivated by a desire to promote the best interests of the child or is using the process to continue a form of domestic abuse against the other parent;*
- (d) the likely behaviour during contact of the parent against whom findings are made and its effect on the child; and*
- (e) the capacity of the parents to appreciate the effect of past domestic abuse and the potential for future domestic abuse.*

31. Where risks are identified at any stage of proceedings, (including **Work to First Hearing**) consideration must be given to whether it is in the child's interests and whether it is safe to continue **any 'direct time with' arrangements that may already be in place**, until the next hearing. Practitioners must also in this instance consider **Practice Direction 12J when undertaking an assessment of whether interim arrangements are safe for the child.**

32. As part of this assessment practitioners must provide to the court clear advice or recommendations as to whether any order to spend time with a parent would expose the child or their other parent to any 'unmanageable risk of harm' taking into account the specific definition of a 'victim of domestic abuse' and the impact any abuse can have on the emotional well-being of the child and the safety of the other parent. Any arrangements must be in the child's best interests. PD12J sets this out in paragraph 25:

When assessing the benefits or otherwise of interim contact practitioners should make reference to;

(a) the welfare checklist

(b) give particular consideration to the likely effect on the child, including on the care given to the child by the parent who has made the allegation of domestic abuse. This includes in assessing in accordance with Practice Direction 12 J 'any risk of harm, whether physical, emotional or psychological, which the child and that parent is likely to suffer as a consequence of making or declining to make an order.'

33. In addition, practitioners should set out for the court that they have considered the following as specified in the Practice Direction:

(a) the arrangements required to ensure, as far as possible, that any risk of harm to the child and the parent who is at any time caring for the child is minimised and that the safety of the child and the parties is secured; and in particular:

(i) whether the contact should be supervised or supported, and if so, where and by whom; and

(ii) the availability of appropriate facilities for that purpose;

(b) if direct contact is not appropriate, whether it is in the best interests of the child to make an order for indirect contact; and

(c) whether contact will be beneficial for the child

34. Consideration should also be given to [Practice Direction 12Q](#) and an application for an order under section 91(14) of the Children Act 1989 in all cases where there is domestic abuse and there is concern that the proceedings are being brought and/or used to further the control, abuse and harm to the protective adults and the children.

35. Practitioners are required to be specific about and act upon the risk, behaviours and impact of post separation abuse. Domestic abuse does not stop because a relationship has ended. It is often a point of escalation in frequency and severity of risk that can include using the family proceedings to harm, coerce and control.

Findings of fact

36. When there are reports of domestic abuse, that are denied, practitioners must consider the necessity and relevance of a finding of fact hearing as outlined in judicial guidance, which is included within the [Cafcass fact finding recommendations practice aid](#).

37. **A finding of fact hearing will not be required in every case where domestic abuse is raised as a concern,** nor should one be unnecessarily recommended. First and foremost, where there are concerns about domestic abuse and the safety of the child/ren and adults, there needs to be an effective assessment by the practitioner about the nature and impact of any abuse as described throughout this policy. Practitioners are required to consider multiple factors such as, whether there is any other evidence before the court, for example local authority information, criminal convictions and police reports and /or, acceptance of domestic abuse, the child's wishes and feelings and most importantly whether the finding of fact hearing is going to assist the court in conducting its welfare and safety evaluation.

Requirements derived from learning from practice and from victims of domestic abuse

38. As enshrined in the Domestic Abuse Act 2021, abusive behaviour is considered domestic abuse whether it consists of a single incident or a pattern of behaviour, including coercive control. Practitioners must **not dismiss or minimise domestic abuse as 'historical' or as a one-off incident.** To do so reveals to victims a lack of understanding of the ongoing and long-term trauma of domestic abuse and perpetuates it. It may also increase the risk of harm or further harm to the adult or child victim. In trauma-informed practice, there is no such thing as 'historical' abuse for victims. Therefore, it is important that practitioners consider the relevance of the behaviour or reported behaviour to the welfare of the child/ren and the decision the court is being asked to make.
39. Practitioners should **not reinterpret or reword what they are told about a child or adult's experience of domestic abuse** but rather use the person's own words to describe what they have said has happened, including the impact on them of domestic abuse, in all recordings and reports to the court. This means avoiding language such as "claims" or "alleges" in reports to the court and instead writing "She/he said..." or "She/he told me...". This is because victims report that the use of the word 'alleges' leaves them feeling disbelieved, undermined and frightened by the court process. **It is for the court to consider disputed accounts of what has or has not happened and to determine the facts based on the balance of probabilities.**
40. Practitioners should be alert to the fact that in cases where English is not their first language, words to describe 'domestic abuse' may simply not exist in that person's first language. There may also be 'shame' attached to reporting their experiences which may lead to inconsistent accounts and behaviours. Race, culture and religion can all play a part in how abuse is considered and reported so it is important that practitioners take the time to understand the individual's experience and what they are being told through this lens. Practitioners should be careful not to make presumptions and instead take an inquisitorial approach.
41. Practitioners must **not describe someone as suffering from mental ill-health unless clinically diagnosed without considering and understanding that a victim's feelings of anxiety and fear, behaviour, and actions may be a trauma response to their experience of abuse.** We know from victims of domestic abuse that these feelings are likely to be compounded and re-experienced by the adversarial nature of family law proceedings.

42. Practitioners must not recommend **parental supervision** of spending 'time with' arrangements by a parent who has said they have suffered domestic abuse by the other parent, even if that parent is offering to do this. Practitioners must provide a clear and compelling rationale for this to parents and the court, again with reference to Practice Direction 12J and the factors set out in paragraph 28 above.
43. Practitioners must **understand and respect why victims of domestic abuse may take time to gain the trust and confidence to describe and share what has happened to them**, accepting, and fully analysing information even if provided late in the process of engagement and assessment.
44. Practitioners should remain open, thoughtful, empathic, and questioning about this throughout their work with the child and their family. Where possible, they must work to create a relationship that feels safe for individuals to tell them about abuse. A fraught relationship is a significant barrier to information sharing that improves the effectiveness of assessment, analysis, and safe advice to the court.
45. When assessing the reasons why a child does not want to spend time with a parent following separation, especially when a parent says they are experiencing alienating behaviours, practitioners must first **consider whether the cause of this refusal is because the child is a victim of domestic abuse and harmful parenting** or if there are other reasons for the child not wanting to spend time with that parent.⁷

Policy owner	Assistant Director for Performance & Quality Assurance
Approved by	Cafcass Corporate Management Team
Approved on	02/12/2025
Implemented	10/12/2025
Attestation	Yes
Version	3.0
Amended	26 September 2024 – new policy 28 January 2025 – emphasised Cafcass' statutory responsibility to assess harm and risk for children, reinforcing the importance of FCAs independence and their responsibility to assess and advise the court of the unique characteristics and vulnerability of the child; clarified when referrals should be made to the local authority. 10 December 2025 – emphasised the importance of engaging other adults and professionals that know the child, strengthened equality, diversity and inclusion considerations, further clarity on language, update on presumption of parental involvement, emphasised analysis of post-separation abuse and action when experiencing intimidating adults in proceedings, clarified evidence needed to consider perpetrator behaviour, additional guidance on identification and analysis of sexually harmful adult behaviour.
Next review	June 2026

⁷ <https://www.cafcass.gov.uk/professionals/our-resources-professionals/child-impact-assessment-framework-ciaf/indicators-understanding-why-child-does-not-want-spend-family-time-parent>

Annex A: Repeal of the presumption of parental involvement

What is this guidance for?

This guidance is to support the assessment of harm and risk of further harm to children who are victims of domestic abuse, in light of the government's plan to repeal the presumption of parental involvement. This guidance must be read in conjunction with the Domestic Abuse Practice Policy, which must always be applied before consideration of this guidance in helping to formulate recommendations to the family court.

What is the repeal of the presumption of parental involvement?

Section 2a of the [Children Act 1989](#) sets out the legal definition of the presumption of parental involvement which is "unless the contrary is shown, that involvement of that parent in the life of the child concerned will further the child's welfare". On 22 October 2025, the government [announced plans to repeal the presumption of parental involvement](#) to make clear that the wellbeing and safety of children is always at the forefront of decision making in the family court. This is following the Ministry of Justice's [review of the presumption of parental involvement](#) which found that the courts take a 'no stone unturned' approach to contact, intrinsically geared towards promoting involvement for a child with both parents after separation. The review found that the presumption is not the driving force behind the pro-contact culture in the family court, was rarely mentioned in family court cases, and had little impact on the outcomes of children's cases. This has led to the government's decision to repeal it.

What does this mean for Cafcass practitioners' assessment?

No timeline has been set for when the repeal of the presumption of involvement will be introduced, and it will take time before a legislative timeslot can be agreed.

Until the repeal takes effect, Cafcass' position remains, as clearly set out in our Domestic Abuse Practice Policy and training, that the presumption falls away when a parent has caused harm or there is a risk of harm or further harm to the child. Cafcass practitioners must always proceed with their assessments using the primary principle of the Children Act 1989 which is that the **safety and welfare of every child must remain paramount**. This means adhering to:

- The welfare checklist in section 1(3) of the Children Act 1989, which focuses on the individual needs and specific family circumstances of each child.
- The [UN Convention of the Rights of the Child](#), especially in relation to the best interests of the child being the primary consideration (Article 3); preventing separation from family against their will except when authorities subject to judicial review determine that separation is necessary for the best interests of the child (Article 9); and the right of the child to be heard in matters affecting them (Article 12).
- Cafcass' Child Safeguarding Policy (as well as the domestic abuse practice policy) which sets out what practitioners must do when they are concerned about a child's welfare or safety.

What is the Family Justice Young People's Board's (FJYPB) position?

The repeal of the presumption of parental involvement is supported by the FJYPB, who are clear that children's safety, voices, and individual needs must come first in every decision made about their lives. FJYPB's message to professionals and the courts regarding the repeal of the presumption is:

"Listen to us. Believe us. Protect us. We are not asking to be kept away from our parents - we are asking to be kept safe. Family time should never be forced or assumed. It should be earned through trust, safety, and respect."

Annex B: Identification and analysis of the impact of sexually harmful and abusive adult behaviour for children

What is this guidance for?

This guidance is to support practitioners in identifying and assessing the impact for children of sexually harmful and abusive adult behaviour. It is underpinned by the Domestic Abuse Practice Policy, Child Safeguarding Policy, and Engaging With and Seeing Children [policies](#).

Practitioners must always seek situational supervision with their manager when they have concerns about the immediate welfare or safety of the child, which includes child sexual abuse. If, in the course of your enquiries, you are concerned about the safety of a child this must be acted upon and escalated.

What do we mean by sexually harmful and abusive adult behaviours?

There are a number of different [sexual offences](#) that will indicate a risk. These include:

- Contact offences such as rape or sexual assault.
- Online/non-contact offences, including indecent exposure and the sharing of private sexual images (sometimes known as 'revenge pornography').

It is important to understand the status of the offence or raised concerns about the adult behaviour. For example:

- The individual you are working with may be under investigation for a [criminal offence](#), being charged, prosecuted, convicted or they may be found not guilty. There may already be restrictions against contact with other adults and children posed by an investigation.
- For Rape and Serious Sexual Assault, the [Crown Prosecution Service](#) (CPS) will decide whether to charge based on their two-stage test.
- The [CPS](#) states if a person is found not guilty, it means that the judge/jury could not be 'satisfied so that they were sure' the defendant was guilty.
- In family court, the standard of proof is the balance of probabilities, which is a lower threshold than in criminal cases. This means the court decides whether something is more likely than not to have happened rather than requiring proof beyond reasonable doubt. This approach reflects the court's focus on safeguarding and welfare.

Understanding the impact of sexually harmful and abusive adult behaviours

Sexually harmful and abusive adult behaviours are not only sexual crimes - they are acts of power, control, and violation of consent. There is a risk to children of potential escalation or crossover risk, even if previous victims were adults.

Behaviour often reveals underlying attitudes and patterns that increase risk to children. These can include:

- A history of violence or coercion in intimate relationships indicating a pattern of using power and control, which can extend to children.
- The minimisation or denial of offending behaviour suggesting a lack of accountability and poor motivation for change.
- Sexual entitlement or distorted beliefs about consent, for example beliefs such as “consent is negotiable” or “victims provoke”.

The context in which an adult lives or interacts with children can amplify risk. Living in a household with children or having unsupervised access provides a direct opportunity for harm, and risk increases with a lack of oversight. Additionally, the absence of informed carers or professionals creates vulnerability. Even without direct abuse children may internalise harmful messages, experiencing emotional harm and increased vulnerability. It is also important to understand what attitudes, or normalisation of abuse and behaviours, a child is exposed to.

Stress can trigger offending behaviour and reduce or interrupt coping strategies (for example, the stress of a relationship breakdown). Non-compliance with or disengagement from treatment or supervision can indicate a higher likelihood of reoffending and a resistance to change. It is also important to consider the impact of isolation and secrecy as these often correlate with grooming or the concealment of other harmful behaviours.

The victim’s voice must be captured in their own words, with the impact of the abuse clearly reflected in recommendations, directly linking harm analysis to decisions about family time and safety planning.

Questions to support our reflective practice

- What information do I have that the child is safe? Has this safety been tested and proven to work? What else do I need to know?
- Am I assuming the child is safe because the offence was against an adult? What evidence supports or challenges that?
- What do I know about the adult’s behaviour and attitudes? Is there evidence of coercive control, grooming behaviours, or disregard for boundaries?
- What is life like for the child? How might the presence of this adult affect the child’s emotional safety, sense of security, and development?
- How does a history of sexual violence or coercion in intimate relationships influence the adult’s capacity to respect boundaries with children?
- If the adult denies or minimises their behaviour, what does that say about taking responsibility or wanting to change?
- If the adult believes things like “consent is negotiable,” what implications does this have for safeguarding children?
- Are there risks in the adult’s living arrangements or spending time arrangements with children - both the child who is subject to the application and any other children in the adult’s family or network?
- Are there protective adults or safety measures in place? How sure am I that they work?
- What harmful attitudes or behaviours might children experience, see or hear, even indirectly? How could that affect their safety, development and emotional wellbeing?

- Could current stress (like a breakup or the court proceedings) increase risk? Has stress led to changes in behaviour or increased risk in the past?
- If the adult refuses or disengages from treatment or supervision, what does that say about their ability or willingness to change?
- Are there signs or patterns of secrecy or isolation? How does that affect my confidence in safety plans?
- If I had to explain my decision to the child or family, how would I do it?
- What assumptions or biases might affect my judgment? How can I check them?
- Have I captured the victim's voice in their own words in my analysis and recommendations? How do these words illustrate the impact of abuse and inform my decision-making?
- Is victim impact clearly visible in my recommendations? How have I linked the analysis of harm to decisions about family time and safety planning?

Further guidance and resources

The nature of sexually harmful and abusive behaviours can be a difficult and distressing topic, even if practitioners do not consider it to be something that triggers them. It is important that all practitioners take time to reflect on the impact of hearing about such abuse and utilise the support available. Practitioners should access the Employee Assistance Programme where they feel the need to do so, as well as internal support such as mental health champions.

[Home | CSA Centre](#)

[Intra-familial child sexual abuse | CSA Centre](#)

[Working together to safeguard children 2026: statutory guidance](#)

[Developing a combined measure of domestic abuse, sexual assault and stalking, England and Wales - Office for National Statistics](#)

[Our work with perpetrators | Respect](#)