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Your ref: CAF 15-89  
Our ref: Gov/CAF 15-89

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5 June 2015

## Re: Freedom of Information Request

Thank you for your email of 11 May 2015. You made the following requests for information:

1. When completing a referral for a DVPP, does the Cafcass Officer have to have evidence to support the information given to the DVPP provider, bearing in mind that the referral is merely a yes or no tick box scenario ?

For information on the referral process and issues which are considered during a referral, please see the [Cafcass Process Guidance: Domestic Violence Perpetrator Programmes](#); in particular:

- 2.1 Domestic violence risks are identified through one or more of the following means: being flagged up on the C100 application form, the results of safeguarding checks, risk identification interviews or other assessment work or through findings/concessions of fact arising from the court process.
- 2.2 Suitable cases for referral to a DVPP will have been assessed as having the potential for safe and beneficial contact. Practitioners will also pay particular attention to other professional views in all cases.
- 2.3 All cases being considered for a DVPP will be risk assessed using the CAADA-DASH MARAC Risk Identification Checklist.

The referral form (attached) has multiple sections, only some of which include tick boxes. In relation to Appendix A *DASH (Domestic Abuse Stalking and Harassment) Risk Identification Checklist*, there is a column titled 'Source'; items are likely to be responded to using several sources of information listed above (C100 application form, the results of safeguarding checks, risk identification interviews or other assessment work or through findings/concessions of fact arising from the court process), including self-reporting by the victim. This form is used by Cafcass to assess risk and it is for the parties to challenge this in court.

Baroness Tyler of Enfield Chair  
Anthony Douglas CBE Chief Executive





Where allegations are unsubstantiated or disputed the court can hold a Fact Finding hearing to adjudicate upon these.

2. If so, would this 'evidence' have been available to the 'Client' who is due to undergo the DVPP either as part of the Section 7 report, disclosed during Court hearings or provided under a DSAR ?

As confirmed above, the information within the referral form is likely to be known by parties through the course of proceedings; the information referrals are based on include the C100 application form, the results of safeguarding checks, risk identification interviews or other assessment work or through findings/concessions of fact arising from the court process.

Cafcass uses this information to provide advice to the court about suitability and appropriateness of requiring participation in DVPP. It is the court which orders DVPP attendance, and a directions appointment will be held so that the court can consider whether it is appropriate to make the order.

Furthermore, the DVPP referral form is discussed with the service user at the DVPP Suitability Assessment meeting and will therefore be available to the subject of the information. Disclosure can also be requested via the court or a Subject Access Request.

3. If there is no such evidence of allegations made by the Cafcass Officer on the DVPP referral, and an official complaint were to be made to Cafcass, what would the 'normal' outcome of such a complaint be ?

The DVPP referral includes the CAADA-DASH form which is used by Cafcass to assess risk. It is for the parties to challenge this in court. Where allegations are unsubstantiated or disputed the court can hold a Fact Finding hearing to look at these.

Please see our [Supervision Policy](#) and [Employee Relations Policy](#) for general information on how Cafcass practitioners' work is monitored, and how employee relations issues are handled within Cafcass. Any outcome would be based on the process, investigation and hearing outlined in the [Employee Relations Policy](#).

4. What is the procedure in place to ensure that Cafcass Officers do not commit Libel or Slander by indicating a positive response to the questions on the DVPP referral for which there is NO evidence and have been NO allegations made ?

As set out above, Cafcass officers complete the DVPP referral based on information from the C100 application form, the results of safeguarding checks, risk identification interviews or other assessment work or through findings/concessions of fact arising from the court process. Allegations can be





disputed and a Fact Finding hearing can take place. Participation in a DVPP only takes place where one party has conceded, or where it has been found through a finding of fact, that they are responsible (please see the Cafcass [Operating Framework](#) *Guidance on activity directions* pages 32 – 33 for more information).

The final decisions in cases are made by the court. Ultimately it is for the court to determine the weight to be given to any evidence presented and to reach a decision. If there are ongoing court proceedings, parties should raise any concerns they have in court, so that the court has all the information before coming to a decision on the case. If parties have concerns regarding a court's final decision these should be raised with the court, or legal advice sought.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)):

**Post**

Information Commissioner's Office  
Wycliffe House, Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

**Fax**

01625 524 510

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0303 123 1113

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[casework@ico.org.uk](mailto:casework@ico.org.uk)

Yours sincerely,

Governance Team

Cafcass

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Baroness Tyler of Enfield Chair  
Anthony Douglas CBE Chief Executive

