Re: Freedom of Information Request

Thank you for your email of 20 March 2016. You made the following requests for information relating to ‘the new coercive control legislation and how it affects children’. Please see these set out below with our responses.

1. What kind of training have your family court officers received about how this offence is defined and how to spot its effects in the families they deal with?

The statutory guidance framework ‘Controlling or Coercive Behaviour in an Intimate or Family Relationship’ (December 2015) is available to practitioners on our training website MySkills, and a ‘knowledge alert’ has recently highlighted this guidance to practitioners with a reminder about the relevant new legislation Serious Crime Act 2015 which sets out the criminal offence of coercive control.

The main training we provide on domestic abuse, including issues of control, is included in our Risk and Harm induction training. This training aims to help ensure practitioners:

- understand Cafcass’ legal responsibilities regarding the assessment of risk and harm
- understand the key requirements of Cafcass’ Child Protection Policy and Operating Framework regarding risk identification and risk assessment.
- understand what risk assessment tools are available and when to use them
- apply Cafcass’ expectations regarding risk identification and risk assessment to case planning, assessment and analysis in public and private law cases.
- be able to use assessment tools correctly and with confidence

Risk and Harm training includes two required eLearning modules to be completed prior to the training day: ‘Risk and Harm in Cafcass’ and ‘Risk and Harm Domestic Abuse elearning’. Some relevant screenshots can be seen below.
Core training of Legal Context and Court Skills includes information on domestic violence and the law. Cafcass also provides a knowledge bite ‘Post Separation Control: impact on a child’. Other relevant extension training includes ‘Static & Dynamic Risk Factors’; ‘Assessment in DV cases’; and ‘Signs of Safety’.

A range of additional training and courses are available to Cafcass staff. These include:

- **Child Protection and Decision Making**: in depth training over three days in relation to evidence-based assessments, applying a safeguarding assessment and analysis framework and constructing core and specialist assessments for court.
- **Attachment and Parenting Capacity**
- **16.4 Private Law**: a number of High Conflict Private Law disputes become 16.4 cases where a guardian is appointed to represent a child in proceedings. This course looks at some of these issues.
- **Defensible Decision Making**: explores how to evidence critical decisions in casework
- **Developing Private Law Practice Skills**: all private law staff received this training after the introduction of the Child Arrangement Programme. It explores practitioner intervention skills to support the achievement of safe and child centred arrangements in private law proceedings.
- **Legal Roadshow**: this looks at different family law topics each year
- **Knowledge Bites**: these are short updates in relation to a range of topics with up to date reference lists. These include:
  - **Emotional Harm**: understanding the possible implications of sustained parental conflict on children.
  - **Contact in Private Law Proceedings**: the messages from research and key practice considerations.
  - **Children experiencing domestic violence**: From Research in Practice.
  - Cafcass has a membership and agreement we can deliver their course. It is also available to members (all Cafcass practitioners) as eLearning with their Research Review.

Please see below for screenshots from eLearning ‘Risk and Harm Domestic Abuse’.
Domestic Abuse Theory
The power and control wheel

Our understanding of the causes and dynamics of domestic abuse is constantly evolving. Early awareness and interventions were based on a feminist analysis, which set domestic abuse in the context of patriarchal societies. It was linked with the oppression of women and the use of coercive control within intimate relationships.

The Power and Control wheels were developed in Duluth, USA, as part of an integrated community response to tackling domestic abuse. The experiences of survivors were used to develop a curriculum for working with perpetrators and to identify, on the flip side, what non-abusive relationships should look like. (McVeigh, Paymar and Ellen Pence 1993)

Please click each segment to find out what the behaviours look like.

Domestic Abuse Theory
Why violence is on the edge of the wheel?

Please select the answer that more accurately describes why physical violence is on the periphery of the Power and Control Wheel and is not a separate ‘facit’ of abuse.

- Because all domestic abuse involves physical violence
- Because all types of abuse have the same impact as physical abuse
- Because the threat of physical violence underpins the control dynamic in all forms of abuse, and is ever present
- Because physical violence is prevalent
Domestic Abuse Theory
Current domestic abuse theory

Recent domestic abuse research suggests that whilst the power and control dynamic holds true, mainly, but not exclusively, for male on female violence within intimate relationships, violence within lesbian relationships (Rossotts, 1992), and among some women who terrorize their male partners (Cook, 1997, Hines & Douglas, 2010), there are other typologies of abuse.

Several studies have suggested that there is a typology of perpetrators of domestic abuse. Click here to find out more about the different typology of an intimate terrorist.

Click the boxes below labelled A, B, C below to read more.

Intimate terrorism
This is the pattern of violent coercive control that comes to mind for most people when they hear the term “domestic violence”.

Although it probably represents a small part of all of the violence that takes place between partners in intimate relationships, it is the type of violence that predominates among the cases that come to the attention of law enforcement, shelters and other public agencies, and that therefore has been the prototype of domestic violence for the battered women’s movement (see Almost Any Shelter Web site).

It involves the combination of physical and/or sexual violence with a variety of non-violent control tactics, such as economic abuse, emotional abuse, the use of children, threats and intimidation, invocation of male privilege, constant monitoring.

Domestic Abuse in Practice
Anger management and domestic abuse

You have seen that whilst the power and control dynamic applies to intimate terrorism there are some abusers whose violence is generalised. These perpetrators may also have issues of impulsivity or anger management.

Top tip: Most perpetrators of domestic abuse attribute their behaviour to “having anger problems” rather than an attempt to control their partners. Discussion with the victim about whether there has been a pattern of coercive control is key to your analysis.
2. Have all officers received training?

All Cafcass practitioners are qualified social workers with at least three years post qualifying experience in social work with children and families at risk. New staff are required to complete core modules within the first six months of employment:

- Risk and Harm in Cafcass;
- Legal Context and Court Skills;
- Casework Start to Finish;
- Interviewing Skills;
- Introduction to Private Law/Public Law;
- Child Sexual Exploitation.

Further to experience in social work, our Family Court Advisers receive training while at Cafcass in order to assist with their continued professional development; as part of registration with the Health and Care Professions Council (HCPC) which is a condition of employment at Cafcass, all social workers on a biennial basis must provide evidence of their professional development. Some of this available training has been set out in response to question 1.

3. Have officers been trained to detect the signs of any kind of abusive relationship between parents or between parents and children?
As set out within the training above, Cafcass practitioners are trained to identify risk and assess this. Practitioners use appropriate tools, matched to the identified needs in the case, when assessing the impact of domestic abuse. These tools for evidence informed practice can be found on our website under section B. Relevant tools include:

- Domestic violence – what we need to know (for use in interview to establish the nature, how recent, frequency and duration of domestic violence)
- SafeLives DASH Guidance and SafeLives DASH Tool (for use in interview if domestic violence is current to establish if referral to MARAC is required)
- Barnados Domestic Violence Risk Identification Matrix (for use post interview to analyse the level of risk / need and protective / vulnerability factors; includes Faith and Culture Safeguarding checklist)
- Safe Contact Indicator (for use during of post interview to analyse whether contact is safe / in child’s best interests)
- Tool for assessing whether Domestic Violence Perpetrator Programme is appropriate

4. Who has delivered that training?

Training is delivered in-house by trainers within the Cafcass National Improvement Service.

5. How frequently do officers receive refresher training?

As set out above, as part of registration with the HCPC, all social workers on a biennial basis must provide evidence of their professional development. Training needs are identified as part of quarterly Performance and Learning Review (PLR) meetings between the manager and the individual.

Cafcass is a learning organisation and further to training, there are learning and development opportunities through monthly ‘Learning and Development Bulletins’ which highlight available learning; ‘knowledge alerts’ shared when new practices are in place; ‘development days’ for teams on relevant topics; and the eLearning and the Cafcass Library which are able to provide up to date information on requested areas such as the impact of high conflict parental disputes on children and implacable hostility, domestic violence and its effects on children.

6. What kind of help, if any, can you offer parents and children coming out of an abusive relationship, particularly if their are contact issues to be resolved? How do you support survivors of abusive relationships?

Cafcass’ statutory remit is to safeguard the welfare of the child involved in court proceedings and to advise the court in relation to this. We can only become involved and complete work on a case at the request of the court. When we are involved in an open case in which children are impacted by domestic abuse, the recommendations made to court will reflect the assessment of risk made by the Cafcass practitioner. In
serious cases, referrals will be made to a local authority which is the proper agency to make MARAC referrals where this is appropriate, and provide ongoing support. Local areas will signpost service users to appropriate support resources.

7. Is there a code of practice for your officers that I can make reference to in writing my piece?

Cafcass Family Court Advisers have a contractual requirement to comply with the Health Care Professional Council (HCPC) Standards of Conduct, Performance and Ethics. Expectations of staff conduct are also detailed through the Cafcass Employee Relations policy.

8. In addition, have officers received up to date training on the notion of Parental Alienation and how this dovetails with coercive control, given that the former can often be a symptom of the latter? Is Cafcass confident that its officers can detect the difference between the two behaviours?

Cafcass understands and recognises the potential for implacable hostility by a party in high conflict private law cases. Section 4.19 of the Operating Framework makes reference to “implacable hostility” which may lead to “alienation” of a child from one parent, and sets out how we assess such issues in our cases.

Our practitioners are aware of the potential for children to be influenced by parental views and will remain live to this issue throughout the progress of a case. We have a tool for use in direct work, the ‘Impact of parental conflict tool’, which can be used by practitioners to analyse the impact of parental conflict and the level of parental influence on a child’s wishes and feelings. We also have a learning module in development on ‘High Conflict Contact Disputes’; this will explore the risk to contact and the key elements in high conflict contact disputes and the impact on children. Practitioners also have access to resources and new research via our in-house library service, to assist assessment of the presence of implacable hostility in private law cases.

Cafcass makes recommendations to the court for how a child’s welfare and best interests can be promoted and safeguarded. High conflict contact disputes will be handled under Cafcass’ framework of assessing the child’s best interests, which includes application of the welfare checklist. More information on Cafcass’ assessments can be viewed from paragraphs 1.11 onwards of the Cafcass Operating Framework. Recommendations to the court will be based on professional judgement of the child’s best interests and will be specific to each case.

9. How do Cafcass react to the notion that Parental Alienation is becoming empirically discredited as an analytical category?
This is a request for an opinion or view which is not already recorded; this information is therefore not held and cannot be provided under the Freedom of Information Act 2000 which is for existing information.

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):

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Yours sincerely,

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