

Cafcass Domestic Abuse Learning and Improvement Plan: first year update

Background

1. Following the [report](#) of the Ministry of Justice's Expert Panel on Harm in the Family Courts (June 2020, 'the Harm Panel') Cafcass established a [Learning and Improvement Board](#) to consider the implications of the report recommendations in respect of our work. We undertook a significant baseline audit of our work where domestic abuse was identified as a concern and used these findings to help us to develop a plan to strengthen our work with children and families in private law family proceedings. The purpose of the learning and improvement board is to debate, advise and consider the extent to which our intended improvement priorities are being implemented and making a difference in practice. The board is chaired by Cathy Ashley (Chief Executive of Family Rights Group) and Angela Frazer-Wicks (Chair of Family Rights Group and a founding member of its Parents' Panel) and includes parents and young people with lived experience of the family justice system and domestic abuse.
2. We published the [Cafcass Domestic Abuse Learning and Improvement Plan](#) ('the Improvement Plan') in June 2021. This update provides a summary of progress in the first year of the improvement plan and the priorities for the next 12 months. While we have reached many of the milestones we set ourselves, there is still more to be achieved. *Understanding the impact of domestic abuse on children* remains one of our top five practice improvement priorities. We have extended the duration of the Cafcass Learning and Improvement Board by 12 months to ensure ongoing guidance and scrutiny of our progress.

Legal context

3. Since the publication of the Harm Panel's report, there have been a number of legal developments including the Domestic Abuse Act 2021, which received Royal Assent in April 2021. The parts that have come into force include creating a statutory definition of domestic abuse, recognising children as victims of domestic abuse, introducing a prohibition on cross examination of vulnerable witnesses in the family courts, and recognising coercive control as an offence after separation.
4. In March 2021, the Court of Appeal handed down a [judgment](#) with general guidance on the approach to take where domestic abuse is alleged in proceedings, including that in some child's cases the focus should be on a pattern of abusive behaviour as opposed to specific incidents. That guidance was followed by another [judgment](#) in which the Court of Appeal sought to clarify that it was the duty of the court "only to determine those facts which are likely to be relevant to the welfare decision" but not necessarily set up a fact-finding hearing in every case in which allegations of domestic abuse are made. In May 2022, the President of the Family Division issued further guidance on [Fact Finding Hearings and Domestic Abuse in Private Law Children Proceedings](#). Taken together this guidance provides the framework in which Cafcass is asked by the courts to advise.

What has been achieved in the first year?

5. The Improvement Plan sets out priorities across four areas of our work:
 - The effectiveness of management oversight
 - The quality and impact of practice undertaken by Family Court Advisers
 - The way we increase opportunities for feedback from children and families
 - Our influence as a key partner in the family justice system

6. Achievements in the first 12 months include:
 - A new mandatory **Domestic Abuse Learning and Development Programme** in place for all Family Court Advisers. The workshop element of the programme has been completed by 95% of our 1,687 frontline staff and managers, with more new starters booked to attend.
 - An updated [Domestic Abuse Practice Pathway](#) with new [guidance](#), to support Family Court Advisers in working with children and families affected by domestic abuse. Partners, parents and young people with lived experience of domestic abuse provided feedback which shaped and influenced the content of our pathway and guidance.
 - All Family Court Advisers now have a **Domestic Abuse Personal Learning Plan** in place aimed at improving practice.
 - Managers assess how well Family Court Advisers explain their recommendations to children using a new Quality Assurance tool, developed as part of our **Quality Assurance and Impact framework**.
 - A new relationship-based practice framework is in place, [Together with children and families](#), which sets out an expectation to work with children and families by developing trusting relationships built on listening, understanding, clear reasoning, respect and integrity.
 - We launched a new Assessment and Child's Plan in January 2022, with a section on **Family Court Advisers sharing recommendations with children**. This includes space for the Family Court Adviser to consider and write out what they would like to say to the child to explain what they think should happen to keep the child safe and why, and space to include the child's response to the recommendations. This can then be copied into a report to court so that the judge and the parents are aware of how the child feels about our recommendations.
 - We launched [Hear to Listen](#), which is a dedicated telephone line for children and young people to share their views about how well we supported them, how effectively we listened and understood what life is like for them and how that understanding influenced what their Family Court Adviser recommended to the court. Children's feedback will be used to develop the best help and support we can offer.
 - A **Family Forum** was established to provide feedback on families' experience of family justice, where learning is heard and acted on in practice. Members have identified three priority areas the Forum will focus on: early intervention; welcome packs for families; and Family Court Advisers sharing recommendations with children and families.
 - We promoted **learning from the Family Justice Young People's Board (FJYPB)** book [In Our Shoes](#), which documents the experiences of young people in their journeys through the family courts.
 - Key messages, such as the importance of professionals taking the time to carefully assess a situation before placing children into environments where there is conflict,

have been shared at Cafcass training and development events and used to facilitate discussions at team meetings.

- **Cafcass data** was linked with the Ministry of Justice's family justice dataset in June 2022 and is available to researchers. This will provide insight into wider applications and court outcomes for families where Cafcass is not involved throughout proceedings, with the intention of strengthening research on family justice and understanding children's lived experiences.

Focus for the next 12 months

7. Our priorities for the next 12 months include:

- Improving our practice to **routinely contact other professionals** who know the child when domestic abuse is alleged or known.
- Ensuring recommendations in **reports to court are consistently well-reasoned** and explained to children where appropriate.
- Consistently distinguishing **domestic abuse from harmful conflict** in our practice, and risk assessing 'non-recent' harmful behaviours without minimising them as 'historic' including evidence of domestic abuse in previous relationships.
- Further improvements in our understanding of the **impact of coercive and controlling behaviour** on children including the understanding of Family Court Advisers about how the mental ill health of a victim or survivor can be used by an abusive parent to cause further trauma to them through proceedings, especially in repeat applications for example.
- Further embedding of work techniques associated with [Together with children and families](#) such as sending introductory letters to children at the start of proceedings, sharing recommendations with the child and giving them the opportunity to respond. We also intend to increase our use of storyboards with children, which are a series of pictures with text under them to explain what has happened in the child's family, what the plan will be and how adults around them will keep them safe.
- Concluding a review of our **complaints framework** where there will be greater clarity about the complaints process with a strong emphasis on listening and learning from concerns raised. Complaints will not prejudice the way we work with a family and we will resolve things quickly where possible, especially for children.
- Developing a consistent approach to seeking and collating **learning from feedback**, following the recommendation of our feedback review to consistently ask for feedback with clear and accessible mechanisms to use that information to drive practice improvement.
- Improving our **data on domestic abuse** such as recording of protected characteristics and diversity that will enable better analysis and understanding of families in the family courts who are experiencing domestic abuse. We are also working to improve data collection on domestic abuse allegations and whether findings are made by the court, the child's experience, our recommendations, and the detail of ordered arrangements for children on our case management system.
- Sharing learning from our Domestic Abuse Learning and Development Programme with **partners in the family justice system** to explore multi-disciplinary training and whether relevant content could be shared more widely with other professionals.

8. Progress updates will continue to be provided to the Cafcass Learning and Improvement Board to review at each Board meeting and Cafcass Assistant Directors will attend to report on progress in their regions.

ENDS