




Ministry
of Justice

Assessing Risk of Harm to Children and Parents in Private Law Children Cases

Implementation Plan – delivery update

May 2023





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of Justice



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Ministerial Foreword

Every year, the family courts deal with thousands of cases involving the most vulnerable people in our society. As a Government, we have a clear duty to protect all who rely on the courts, and to make sure that no one is endangered by a system that should keep them safe.

In June 2020, we published the final report of the Expert Panel on ‘Assessing Risk of Harm to Children and Parents in Private Law Children Cases’, which was set up to look at how well the family courts protect children and parents in private law proceedings. As the vast majority of evidence given to the Panel involved domestic abuse cases, this became the report’s focus.

Despite finding some good practice and well-intentioned staff, the Panel exposed deep-seated systemic failings which, in the worst cases, put victims of domestic abuse and their children at risk.

The Panel found that too often, adversarial court proceedings retraumatised victims. Allegations of domestic abuse were too readily disbelieved or dismissed, alongside poor risk assessments and siloed working. The report also identified a view amongst many respondents that courts often placed an undue emphasis on ensuring children had contact with both parents.

In response, we set out a [plan](#) to reform how the family court deals with domestic abuse allegations, and to drive cultural change. Three years on, we are making good progress.

Most significantly, our landmark Domestic Abuse Act ushered in many of the immediate changes called for by the Panel, alongside a raft of wider reforms to protect victims and give them the confidence to come forward and pursue justice.

The Act prevents perpetrators and their victims from cross-examining each other in person, so that domestic abusers are no longer able to use family court proceedings to torment their victims. Where there are no satisfactory alternatives to in person cross examination, the court can now appoint a qualified legal representative to carry out any cross-examination in the place of a victim or their abuser.

In addition, we changed the law so that all victims of domestic abuse are now automatically eligible for special measures in family proceedings – which could include giving evidence from behind a screen or over video link - helping to spare victims the agony of seeing their abuser face to face.

Furthermore, any domestic abuse victim now has the right to be supported in court by a specialist Independent Domestic Violence Advisor, following amendments to the Family Procedure Rules and supporting Practice Directions.

Turning to other areas of reform, our innovative pilots in family courts in Dorset and North Wales are testing a new, less adversarial approach to domestic abuse cases, which involves judges deciding what evidence to investigate, rather than parties thrashing out their cases against each other.

The pilots place an emphasis on getting to the root of an issue and ensuring all parties are safe and able to provide evidence on an equal footing – without the trauma of being in court with an abusive ex-partner. Whilst monitoring and evaluation of the pilots is ongoing, the early response to the pilot has been encouraging.

By providing a detailed, informative account of the child and family during the early stages of proceedings, the emphasis is placed firmly on what is in the best interests of the child. As information is gathered much earlier in the process, identification of domestic abuse and harm can happen much earlier in the process and families can be signposted to appropriate support.

Alongside improving the court process improving public confidence in the family justice system is vital. To strengthen oversight and improve transparency of what happens to families in court, we have asked the independent Domestic Abuse Commissioner to monitor family law proceedings involving domestic abuse victims, with a pilot set to start this year.

To improve practice, we have introduced updated operational guidance on domestic abuse to help those working across the family justice system handle situations involving domestic abuse more effectively, and the judiciary has brought in new compulsory domestic abuse training for judges and magistrates.

In November 2020, we launched a review of the ‘presumption of parental involvement’, to make sure the right balance is being struck between the risk of harm to children and victims, and a child’s right to have a relationship with both parents where this is safe. This is a complex issue, and it is right that any decisions made are rooted firmly in evidence. We will publish our findings once the Review is complete.

Quite apart from these reforms, through the Domestic Abuse Act, we seek to transform society’s response to this terrible experience, and we have invested heavily in tackling it – quadrupling our funding for victim support since 2009, and boosting the number of specialist Independent Domestic Violence and Sexual Violence Advocates we fund to over 1000 by 2024/25.

No victim of domestic abuse should be retraumatised, or put at risk, by going to the family courts. There is still work to do, but through our concerted action, we aim to ensure that every victim of domestic abuse gets the support they need.

Lord Bellamy KC

**Parliamentary Under
Secretary of State in the
Ministry of Justice**

Introduction

This Government is determined to take action to improve the experiences of those involved in private family law proceedings, including those who are victims of domestic abuse and other serious offences. With our partners across the family justice system, we are committed to long-term reform of the family courts, and recognise the wide-ranging issues that can make the experience of private law proceedings difficult for vulnerable court users. The Government is actively considering how to support and encourage families seeking to make arrangements for their children and financial issues to agree these through alternatives to court, where this is safe and appropriate to do so. We are currently consulting on a number of proposals which ultimately seek to help families to reach agreements more quickly, without the negative impact on the family that a drawn out court process can bring, whilst in turn reducing court backlogs and allowing the resources of the courts to be focussed on the families and children who are most in need of the court's involvement and protection.

In June 2020, the Ministry of Justice (MoJ) published the 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases' report. This was the final report of the expert 'Harm Panel', convened to gather evidence on how the family courts protect children and parents involved in private law children proceedings involving domestic abuse and other serious offences. The aim of this work was to better understand the experiences of those involved, identify any systemic issues, and build a more robust evidence base to inform improvements.

Following a public call for evidence, 1200 responses were received from individuals and organisations across England and Wales. The Expert Panel identified four key themes in the evidence:

- Resource constraints and an increase in Litigants in Person
- A pro-contact culture and minimisation of allegations of domestic abuse
- Silo working and a lack of communication between courts and other agencies
- The adversarial system, with insufficient involvement of the child

The overwhelming majority of evidence presented to the Harm Panel involved cases featuring domestic abuse (over other harms), and this became the focus of the final report.

Improving the response to domestic abuse remains one of the Government's top priorities and since publication of the Report and the Implementation Plan, the Domestic Abuse Act (2021) has been enacted. Following the Domestic Abuse Act, a cross-government Tackling Domestic Abuse Plan was published in March 2022, and Statutory Guidance was published on 8 July 2022 to support the implementation of the Domestic Abuse Act.

Together, this work is a demonstration of the ongoing commitment to ensuring that victims and survivors of domestic abuse are better protected.

In early 2020, the Covid-19 pandemic resulted in heavy disruption to proceedings in the family courts and the number of outstanding private law cases increased. This added pressure to the family court system and although all stakeholders were quick to adapt, significant challenges remain across the system. In December 2020, the Government issued a statement on behalf of the Family Justice Board that set out immediate and longer-term reform priorities for the family justice system and it remains necessary to balance the need to support short-term recovery of the system with the longer-term commitment of fundamental reform to private law proceedings. The Family Justice Board has made clear that a guiding objective of the longer-term reforms will be to ensure that the system continues to put children and families first, in line with the recommendations of the Harm Panel report.

Since the publication of the Expert Panel's Report and the Implementation Plan, we have delivered on all of the short-term commitments, but we also recognise that there is more to be done. Partners across the family justice system are committed to long-term reform, and to improving the experience and outcomes of children and parents involved in private law proceedings.

We are publishing an update now to demonstrate progress to date, and to reiterate our determination to continue to take action to respond to the need for change highlighted by the Expert Panel's report. We have set out key areas of progress, and the further action we will take, against each thematic chapter, in the order they appear in the Implementation Plan.

Design Principles for Private Law Children Proceedings

The Panel's report highlighted the need for a consistent and ethical approach to cases involving domestic abuse and other risks of harm, in order to effectively protect children and adult victims from further harm. They recommended the following design principles for private law children proceedings:

- A culture of safety and protection from harm
- An approach which is investigative and problem solving
- Resources which are sufficient and used more productively
- A more coordinated approach between the different parts of the system

The Panel concluded that family courts approach domestic abuse cases inconsistently, and in some cases with harmful effects. To embed consistent good practice, they recommended a statement of practice be adopted for cases raising issues of domestic abuse or other risks of harm, and that this statement should include, for example, allegations being dealt with respectfully and explored fully, and processes and decision-making being free of any form of bias.

The Panel also considered evidence received on the courts' approach to the presumption of parental involvement in section 1(2A) of the Children Act 1989. This presumption requires the court to presume that the involvement of each parent furthers the child's welfare unless the involvement of that parent would put the child at risk of harm. The Panel received a range of views on the presumption but concluded that at least in some cases, the presumption had reinforced the pro-contact culture of the courts and detracted from the court's focus on the child's individual welfare and safety. The Panel recommended that this presumption be reviewed urgently to address its detrimental effects.

In our Implementation Plan, we committed to:

- **Working with all key partners to design a statement of practice** and ensuring that this is effectively implemented and drives cultural change across the system.
- **Reviewing the 'presumption of parental involvement' which applies in certain private law children proceedings.**
- **Piloting the adoption of a more integrated approach** between different parts of the justice system through pilots of Integrated Domestic Abuse Courts (IDAC).
- **Reducing levels of inconsistency in the family justice system** and entrenching best practice in proceedings, including working with the Local Family Justice Boards.

What we have done so far:

- Since June 2020 **partners across the family justice system, including Cafcass and the judiciary, have introduced updated operational guidance related to domestic abuse.** In addition, key family court measures in the Domestic Abuse Act have commenced, with accompanying guidance and Practice Direction/Rule amendments now in force. Many of these changes are covered in the recently published Domestic Abuse Statutory Guidance.
- **Launched the review of the presumption of parental involvement in November 2020.** We have established an advisory group and appointed contractors to deliver three research strands: a literature review, which is an evidence review into harm and parental involvement, a qualitative research project to understand the experiences of marginalised parents in the family court, and a judgment analysis focussing on how the courts apply the presumption of parental involvement. The review, including all research reports, will be published later this year.
- **Launched a new Investigative Approach pilot in family courts in Dorset and North Wales in February 2022.** Seven family courts across Dorset and North Wales are testing a more investigative, less adversarial approach to certain private law proceedings relating to children, which aims to improve the experience and outcomes for children and parents involved. Initial feedback includes positive engagement between courts and local partners such as local authorities and domestic abuse support services
- **Improved consistency through Local Family Justice Boards by sharing best practice.** We have introduced monthly sessions for Local Family Justice Board chairs, where they can share best practice and raise issues that require national attention or action. We have also introduced an ‘Escalation Mechanism’ for Local Family Justice Boards so that they can raise specific issues or best practice that they think would benefit from national attention.
- **Introduced the ‘Coordinated Courts’ data tool,** alongside Cafcass, Cafcass Cymru, the Judiciary and HMCTS. This tool utilises data from Cafcass, Cafcass Cymru and HMCTS to assist local family justice partners to jointly consider potential operational issues impacting system efficiency, understand root causes, and identify appropriate solutions.
- **Reviewed and refreshed our governance arrangements.** The Family Justice Board, which brings together partners to address systemwide issues, has made significant improvements to its work, including agreeing key objectives and priority areas as well as refreshing its governance arrangements. The changes have been implemented as part of a wider review which also aims to improve the utilisation and sharing of data and will support the delivery of the cross system strategic plan that captures what partners are doing across the system, to improve performance and ultimately achieve shared system aims.

What we will do:

- **Introduce a system-wide statement of practice.** Following on from existing practice guidance and provisions made through the Domestic Abuse Act, we will work with partners through the Domestic Abuse & Positive Outcomes for Children Group (DA-POC) to develop a shared statement of practice, ensuring it takes into account the new legislation, caselaw and operational guidance that has already been introduced since June 2020.

Fundamental reform to the Child Arrangements Programme

In their report, the Panel identified a need to pilot and deliver a reformed Child Arrangements Programme in private law children cases. The overarching aim of such reform would be to take a non-adversarial, problem-solving approach in which judicial continuity would be a key feature. Three specific phases for a revised Child Arrangements Programme were recommended by the Panel:

1. An initial investigation and information exchange phase
2. An adjudication phase
3. A follow up phase

In our Implementation Plan, we committed to:

- **Examining the way in which the current system can be improved**, both in terms of outcomes and in safeguarding the welfare of those involved.
- Deliver the 2019 Conservative manifesto commitment to “**pilot integrated domestic abuse courts (IDAC) that address criminal and family matters in parallel**”.
- **Piloting a more investigative approach to the family courts**. In doing so we said we would explore the extent to which it is possible to move away from the current adversarial system and consider how to best achieve the three-phase approach recommended by the Panel.

What we have done:

- **Designed a new Investigative Approach pilot and launched this in family courts in Dorset and North Wales**. The pilot launched in February 2022 and aims to improve the experience and outcomes for children and parents involved in certain private law children proceedings, and particularly those who may need additional support such as domestic abuse survivors. It moves away from the adversarial model and towards a more investigative, problem-solving approach based on the features and risk profile of a case. The approach also aims to deliver a more streamlined court process and improve joint working through encouraging a multi-agency approach.
- **Completed a data matching project to define and explore the volume of concurrent criminal and family cases relating to domestic abuse**. This will inform consideration of the feasibility of developing a model that addresses criminal and family matters in parallel.

- **Introduced Pilot Practice Direction PD36Q, PD36R, PD36Y and PD36ZE** to allow courts the flexibility to move away from the procedure currently set out in the Child Arrangements Programme. These measures were initially a response to the coronavirus pandemic and enabled courts to introduce additional triaging and gatekeeping of cases before their first hearing. The pilot provision has enabled Justice’s Legal Advisors (JLAs) to fulfil functions previously reserved to the judiciary as well as extending the functions of JLAs to enable them, in specified circumstances, to make section 8 Children Act 1989 consent orders. In February 2023, the Family Procedure Rule Committee agreed to replace PD36Y with PD36ZE, which mirrors the flexibilities previously provided for but removes references to the pandemic. PD36ZE will be in place until February 2025.

What we will do:

- Monitor the implementation and consider further roll out of the Investigative Approach model once it has been in place for at least 18-24 months.
- Learn from local implementation of Practice Directions 36Q, 36R, 36Y and 36ZE and make recommendations for permanent changes to the Child Arrangements Programme when the temporary flexibilities expire.

Enhancing the Voice of the Child

The Panel concluded that more should be done to accord children who are victims of domestic and sexual abuse the opportunity to be heard in private law children proceedings, finding that the barriers to hearing children were the same four as previously identified (see 'Design Principles' section). They made clear that their recommended reforms to the Child Arrangements Programme (detailed above) would provide an important framework for enhancing children's voices in private law children proceedings.

In our Implementation Plan, we committed to:

- **Trialling a stronger voice of the child, as part of the investigative approach in the IDAC pilots** (above) to ensure children's wishes and views are central to the process.
- **Reassessing methods of child engagement** to understand more about how and when children want to engage in a process and provide their own account.

What has been done:

- Ensured children's wishes and views are central in the Investigative Approach pilot. The Practice Direction that supports this pilot (Practice Direction 12B(Pilot)) includes a section focused on strengthening of the voice of the child.
- Cafcass Cymru created a two year secondment for a Harm Panel Change Manager. This post, seconded from Welsh Women's Aid, is to ensure that the Panel's recommendations are embedded into Cafcass Cymru policy and practice.
- Cafcass Cymru have reviewed and are further developing their suite of practice tools and means of engaging, in consultation with staff, stakeholders and the Family Justice Young People's Board to ensure even better engagement with children and young people.
- Cafcass established a Learning and Improvement Board to consider the implications of the expert Panel's report, and published their Domestic Abuse Learning and Improvement Plan in June 2021, with a 12-month review of progress published in June 2022. Progress on actions includes:
 - A new mandatory Domestic Abuse Learning and Development Programme in place for all Family Court Advisers.
 - All Family Court Advisers now have an individual Domestic Abuse Personal Learning Plan in place aimed at improving practice.
 - The launch of a new Domestic Abuse Practice Pathway and guidance to support Family Court Advisers in working with children and families affected by domestic abuse.

- The launch of Hear to Listen, a dedicated telephone line for children to share their feedback about the help and support they have had during their family court proceedings.
- A new relationship-based practice framework, Together with children and families, is in place at Cafcass. It sets out an expectation to work with children and families by developing trusting relationships built on listening, understanding, clear reasoning, respect and integrity.
- The launch of a new Assessment and Child's Plan in January 2022, with a section on Family Court Advisers sharing recommendations with children. This includes a section for the Family Court Adviser to consider what they would like to say to the child to explain what they think should happen to keep the child safe and why, and the child's response to the recommendations.
- The Family Justice Young People's Board (FJYPB) produced a document called 'Mind Your Language', published in July 2021, with the aim of encouraging all professionals to think about the ways in which they speak to children and young people and how they refer to them in their reports, on file and to other professionals. This document was shared with partners across the family justice system and the FJYPB continue to challenge stakeholders within FJYPB about listening to the voice of the child in family court proceedings.
- The Private Law Advisory Group has scoped work to understand and consider what more needs to happen to better enhance children's participation in private law proceedings, including what might be possible to test in the Investigative Approach Pathfinder pilots in Dorset and North Wales. As a first step, a series of workshops – convened and facilitated by the Nuffield Family Justice Observatory with support from Cafcass and Cafcass Cymru - have brought together stakeholders from the pilots, a range of professionals working in family justice or related fields, experts by experience, and the Family Justice Young People's Board.

What we will do:

Undertake further work to enhance the voice of the child in private law proceedings. This work is in progress and was being coordinated by the Domestic Abuse and Positive Outcomes for Children Group. The Group will take forward priority actions in three areas:

- Enabling earlier engagement with children.
- Communicating outcomes.
- Video resources for children.

Safety, Support and Security at Court

The Panel's report highlighted the large number of submissions they received that called for improved provision of special measures for victims of domestic abuse, a more consistent and inclusive approach to victim support services and measures to prevent abusive applications to the family courts. Specific recommendations were put forward on amendments that the Government should put forward as part of the Domestic Abuse Bill (now the Domestic Abuse Act 2021) which was entering Commons Report stage at the time of publication.

In our Implementation Plan, we committed to:

- **Prohibiting the cross-examination of victims** by perpetrators and alleged perpetrators of abuse as part of the Domestic Abuse Bill.
- **Introducing a Government amendment to the Domestic Abuse Bill so that victims of domestic abuse will be automatically eligible for special measures** in the family court.
- **Reviewing the data on special measures requests using the online C100 service** and assessing what more could be done to make parties aware of their right to request special measures.
- **Inviting the President of the Family Division to consider amending practice directions** to ensure that IDVAs, domestic abuse advocates and mental health advocates be allowed to accompany the party they are supporting into court.
- **Exploring whether clarification to the law on the use of orders under section 91(14) of the Children Act 1989 could be achieved via an amendment** to the Domestic Abuse Bill. Section 91(14) allows the court to prevent further applications under the Act without permission of the court.

What we have done:

- **Legislated for a prohibition on perpetrators and alleged perpetrators of abuse cross-examining their victims in person (and vice versa) in family and civil proceedings in England and Wales.** Sections 65 and 66 of the Domestic Abuse Act, which came into force on 21 July 2022, will ensure that perpetrators and alleged perpetrators of abuse are prohibited from cross-examining their victims in person, and vice versa, in specified circumstances in family and civil proceedings in England and Wales. In cases where the prohibition is engaged, cross-examination is necessary - and there is no satisfactory alternative - the court may appoint a qualified legal representative to conduct cross-examination in place of the prohibited party. Practice Direction 2C has been amended to enable Justices' Legal Advisers to perform the

functions of the court in such cases, and a new Practice Direction 3AB has been made setting out the practice and procedure for the family court.

- **Legislated for victims of domestic abuse to be automatically eligible for special measures in the family court without any evidential requirement.** Section 63 of the Domestic Abuse Act, which came into force on 1 October 2021, provides that Family Procedure Rules provide that victims of domestic abuse must be deemed "vulnerable" for the purpose of determining whether a participation direction should be made.
- **Reviewed data on special measures requests using the online C100 service and developed guidance,** in collaboration with the Family Justice Council, which provides information about support and special measures available at local courts. This guidance is now sent out with notices of hearing in all family cases. To further support the delivery of the special measures provision in the Domestic Abuse Act, funding was provided in 2020/21 and 2021/22 for protective screens for use in the family courts so that victims do not have to see the perpetrators of abuse in the courtroom.
- Included closer working with, and referrals to, specialist domestic abuse support services within the design of the Investigative Approach pilot, currently running in Dorset and North Wales.
- **Amended the Children Act 1989 to clarify the availability of section 91(14) orders in domestic abuse cases.** Section 67 of the Domestic Abuse Act, which came into force on 19 May 2022, inserted new section 91A into the Children Act 1989 to make further provision about section 91(14) orders. This change makes it clearer that section 91(14) orders are available to parents and children to protect them where further proceedings would risk causing them harm, particularly where proceedings could be a form of continuing domestic abuse. A new Practice Direction, PD12Q, has also been brought in to accompany new Section 91A of the Children Act 1989.
- **The Family Procedure Rule Committee has amended to the Family Procedure Rules and supporting Practice Directions** to ensure that Independent Domestic Violence Advisors and others providing specialist domestic abuse and/or advocacy support can accompany the party into court.

Communication, coordination, continuity and consistency

In their report, the Panel highlighted the evidence regarding the adverse consequences of silo working in family courts. They recommended that mechanisms for communication, coordination, continuity and consistency be put in place at national and local levels. The Panel said that the aim of these mechanisms should be to ensure that the experience and protection from harm of children and adult parties is consistent between proceedings; that family courts in private law children cases are aware and take account of other proceedings concerning the same family, and vice versa; and that relevant information is shared between processes.

Specifically, on the point of improving coordination between family courts and the police, the Panel recommended that consideration be given as to how police disclosure may be funded where parties are not legally aided and are not otherwise able to fund it themselves.

Recommendations were also made about additional training being rolled out across the family justice system.

In our Implementation Plan we:

- **Set out the Judicial College’s commitment to continually reviewing and improving the impact of training delivered to the judiciary.**
- **Committed to trialling improved guidance and training** across the family justice system in England and Wales.
- **Committed to working with the National Police Chiefs’ Council (NPCC) and other stakeholders to review guidance for police forces** on fees for the disclosure of evidence in relation to cases involving domestic abuse.

What has been done:

- **Partners across the family justice system have updated training on Domestic Abuse, particularly in light of the Domestic Abuse Act.** This has included multi-agency training as part of the Investigative Approach pilot in Dorset and North Wales.
- **The Judicial College launched new domestic abuse digital training packages for judges and magistrates** in Autumn 2021. Since April 2022, the Judicial College has also been rolling out a new programme of compulsory Domestic Abuse training for family and civil judges, including training which addresses the attitudinal and

behavioural issues covered in recent legislation and caselaw as well as the expert Panel's report.

What we will do:

- Work with the National Police Chiefs' Council (NPCC) and other stakeholders to review guidance for police forces on fees for the disclosure of evidence in relation to cases involving domestic abuse. The NPCC is looking to further consider the matter with the aim to develop a nationally uniform and clear process for the facilitation of disclosure of police records where the request is made by Litigants in Person.

Resourcing

The Panel recommended that additional investment be put into the family justice system to enable family courts to protect children and victims of domestic abuse more effectively. As part of their recommendations, they suggested further investment in the following areas:

- The court and judicial resources available for private law children cases
- Cafcass and Cafcass Cymru
- The family court estate
- Legal aid
- Funding for specialist assessments.
- Domestic Abuse Perpetrator Programmes in both England and Wales
- Supervised contact centres
- Educational and therapeutic provision relating to domestic abuse for parents in private law children proceedings
- Specialist domestic abuse and child abuse support services
- Resourcing for Local Authority social workers undertaking work in private law children proceedings

In our Implementation Plan, we committed to:

- **Investing more widely in support for victims of domestic abuse**, including through the Domestic Abuse Bill and the IDAC pilot.
- **Considering how Litigants in Person involved in private law children proceedings can be best supported** and empowered.

What we have done:

- **Provided an initial addition of £25million emergency Covid funding in 2020/21 and £150.5million to support victims and witnesses in 2021/22 which included £51m for support for domestic abuse and sexual violence victims.** As part of the Spending Review, MoJ will bolster support for victims by quadrupling funding by 2024/25, up from £41million in 2009/10. This will ensure support is available to more victims and includes funding to increase the number of Independent Sexual and Domestic Violence Advisors by 300 to over 1000 by 2024/25 - a 43% increase over the next three years.
- **Published a consultation on changes to the means test for legal aid in March 2022.** The proposals included increases to the income and capital thresholds for legal aid eligibility, for both criminal and civil legal aid, and that disputed assets would not be included in the means assessment where they are the subject of the case. These

proposals would make it easier for domestic abuse victims to access legal aid. The Ministry of Justice is currently considering the responses to the consultation, but if implemented as proposed in the consultation, the proposals will make two million more adults in England and Wales eligible for civil legal aid.

- **In 2022/23 the Ministry of Justice is investing £5.7m into funding legal support for Litigants In Person.** This has most recently been through the £3.2m Help Accessing Legal Support (HALS) grant that is funding 55 charities. This investment is being boosted by a further £1m towards a Cost of Living Fund, administered by the Community Justice Fund. This funding aims to increase the amount of legal advice and support available for people who have a legal problem as a result of the cost of living situation. In November 2022 MoJ announced £12m in grant funding for the next two years. This provides clarity and certainty to advice organisations enabling them to plan and resource their services, meaning more people can access the support they need. This is complimentary to the digital tools we are developing to help people self-serve where they can.
- **Within the Investigative Approach pilot** the courts have engaged and developed positive working relationships through a multi-agency approach with key local partners and have funded **DA support services**.
- **In the 2020/21 financial year, we invested £250 million to support recovery in our courts.** This included £76 million to increase our capacity to hear cases in the family and civil courts, as well as in tribunals.
- **On 17 October 2022, we laid secondary legislation to amend how healthcare professionals can provide supporting evidence for legal aid.** The change is intended to align with current medical professional practices and allow healthcare professionals greater flexibility in providing this vital service to domestic abuse victims applying for legal aid. The change will remove the requirement for domestic abuse victims to have a face-to-face consultation with a medical professional before supporting documentation can be issued and permit documents to be issued after a telephone or video conferencing consultation where that is appropriate.

What we will do:

- **Continue to consider what more can be done to ensure that Litigants in Person involved in private law children proceedings are assisted and empowered** when using the family courts. As well as being an ongoing consideration as part of the work to deliver on the Legal Support Action Plan, the additional needs of Litigants in Person is being considered within wider reform programme and with legal sector.
- **We continue to invest in improving the capacity of the family justice system.** The total number of Private Law sitting days in the Family court increased by more than 50% from 2015 to 2021.

The Domestic Abuse Perpetrator Programme (DAPP)

The Panel noted that many submissions they received made recommendations that DAPPs should be more widely available in England and Wales and should allow for self-referral for parents in private law children proceedings. In their final report, they endorsed these views and recommended a review of the current provision of DAPPs to ensure that they are effectively focused on reducing harm for children and families affected by domestic abuse and are anchored by the previously mentioned design principles.

In our Implementation Plan, we committed to:

- **Convening a Steering Group to review and evaluate DAPPs**, drawing on the existing evaluation and evidence base.
- This Steering Group considering self-referrals to DAPPs and DAPP availability to women.

What we have done:

- **Invested significantly in developing the evidence base for Domestic Abuse Perpetrator Programmes (DAPPs)** through mapping, research, and encouraging innovation from both commissioners and providers of DAPPs. Last year, the Home Office invested £7.2 million in programmes and £11.3 million has been invested this year. The Government is also looking to provide funds to support the extension of those programmes that were funded last year.
- **Established a Steering Group to consider DAPPs and wider support for those impacted by domestic abuse in family court proceedings.** The Steering Group includes representatives from across the family justice system and the domestic abuse sector. They will continue to support the Government with this work in developing a programme that better meets the diverse needs of children and families affected by domestic abuse. Current commissioning arrangements for DAPPs, via Cafcass, ended on 31 March 2023. We are working with the domestic abuse sector to develop a new specification ahead recommissioning a new offer to support children and families in private law proceedings.

What we will do:

- **Review the existing evidence base for family court DAPPs and recommit a new offer to support families involved in private law proceedings where domestic abuse is a feature.** This work will include consideration of programmes for

women as well as the possibility of self-referrals. This work will be informed by, and linked to, the wider work across Government on Domestic Abuse Perpetrator Programmes, including work arising from provisions included in the Domestic Abuse Act.

Social Worker Accreditation

The Panel's report concluded that was a significant weakness in the knowledge and skills of social workers who are undertaking risk assessments and other related direct work with children and their families where domestic abuse is alleged, suspected or known. The Panel therefore recommended, amongst other things, that:

- Social workers undertaking assessments for private law children proceedings in Wales are trained in domestic abuse to Group 3 Violence Against Women, Domestic Abuse and Sexual Violence National Training Framework standard.
- Social workers undertaking assessments for private law children proceedings in England are nationally accredited child and family practitioners.
- The content for the accredited training in Wales and the accreditation exams in England is reviewed by domestic abuse specialists to help ensure the requisite knowledge and skills are sufficiently assessed.

In our Implementation Plan, we committed to:

- **Working with the Welsh Government, Cafcass, Cafcass Cymru, Local Authority social workers and other stakeholders to understand how the recommended accreditation scheme, for local authority employed child and family social workers, could work** and what elements will be required to ensure it can be successful implemented.

What we have done:

- **Department for Education (DfE) has considered the recommendations made by the Panel as part of its review of the assessments for child and family social workers.** In light of the recommendations published in the Independent Review of Children's Social Care (May 2022), DfE are currently looking at how they could deliver assessments alongside social worker development and training.

What we will do:

- **DfE are developing a new approach to social worker assessment and accreditation** and are looking to deliver assessments on a more sustainable basis, while offering more flexibility and a better overall experience for social workers. At the same time as developing a new delivery approach, DfE will take the opportunity to consider the place of assessment and accreditation within the post-qualification career pathways for social workers. This will be done in the context of recommendations from the Independent Review of Children's Social Care and the National Child Safeguarding

Practice Review Panel's review into the deaths of Arthur Labinjo-Hughes and Star Hobson, which were published in May 2022.

Monitoring and oversight

The Panel concluded that there was a need for ongoing monitoring and oversight of private law children’s proceedings to ensure they are operating effectively to protect all children and victims of domestic abuse and other serious offences from harm. Specifically, they recommended:

1. The development of a consistent and comprehensive method of gathering administrative data on cases raising issues of domestic abuse, child sexual abuse, and other safeguarding concerns.
2. The establishment of a national monitoring team within the office of the Domestic Abuse Commissioner to maintain oversight of and report regularly on the family courts’ performance in protecting children and victims from domestic abuse and other risks of harm in private law children’s proceedings.
3. That Local Authorities and Welsh Regional Safeguarding Boards include family courts in local learning reviews (in England), child practice reviews (in Wales) and domestic homicide reviews, where the family concerned have been involved in private law children’s proceedings.

In our Implementation Plan, we committed to:

- **Inviting the independent Domestic Abuse Commissioner and Victim’s Commissioner to undertake ongoing monitoring of private family law proceedings involving Domestic Abuse victims in the family courts**, and for these reports to be published, as part of their role in monitoring the services for victims in England and Wales.
- **Considering what additional data could be collected to gather administrative data on cases raising issues of domestic abuse, child sexual abuse, and other safeguarding concerns.**
- **Inviting the Home Office (for Domestic Homicide Reviews), DfE (for local learning reviews) and the Welsh Government (for Child Practice Reviews) to work with the Family Court and Cafcass/Cafcass Cymru to agree how the recommendations made by the Panel in these areas could be best implemented.**

What we have done:

- **Invited the independent Domestic Abuse Commissioner and Victim’s Commissioner to undertake ongoing monitoring of private family law proceedings** involving domestic abuse victims in the family courts. Both

Commissioners agreed to this invitation. During 2021, a series of roundtable events were hosted by the Domestic Abuse Commissioner with stakeholders across the family justice system who supported the development of this new role and the design of the monitoring mechanism. The proposals for the mechanism were published in a report, 'Improving the family court response to Domestic Abuse' in November 2021. The pilot is being funded by the Ministry of Justice and is expected to start in Spring 2023.

- Transition to Cafcass's new case management system, ChildFirst, is now complete and Cafcass are in the process of determining what improvements could be made to recording and reporting of administrative data as part of its next development phase. Cafcass are also working closely with partners to think about wider system changes to data recording and collection, such as through the Domestic Abuse Commissioner's monitoring and reporting mechanism.
- The Ministry of Justice is leading on an evaluation of the Investigative Approach (IA) 'pathfinder' pilot, which will include to gather comprehensive administrative data on cases raising issues of domestic abuse and other forms of harm. An evaluation of the pilot is expected in early 2024. The learning from the pilot will inform the development of a consistent method of capturing key information within Cafcass Cymru's case management system.

What we will do:

- **Work with cross-Government colleagues to improve mechanisms for family justice input to Domestic Homicide Reviews**, local learning reviews and Child Practice Reviews in order to implement the Panel's recommendations in this area.

Further research

The Panel made recommendations that further research be taken forward to support reform to private law children proceedings. They suggested there was a need for further systematic, quantitative data on the process and outcomes of family courts' responses to cases raising allegations of domestic abuse. Their recommendations for further research were:

- Review of the implementation of the current CAP, PD12J and section 91(14).
- A national practice-based review of domestic abuse cases in private law children proceedings to be commissioned by the Child Safeguarding Practice Review Panel and the National Independent Safeguarding Board for Wales.
- Any pilots testing a reformed Child Arrangements Programme be robustly evaluated.
- The remit of the national oversight team recommended above to include the commissioning and/or conduct of prospective and on-going research on the implementation of the reformed system for private law children's matters.

In our Implementation Plan, we committed to:

- **Scoping and commissioning a study on the implementation of the current CAP, PD12J and s.91(14)** in cases in which allegations of harm are raised.
- **Fully and robustly evaluating the IDAC pilots.**
- **Inviting the Child Safeguarding Practice Review Panel to conduct a statutory national practice-based review** of domestic abuse cases in private law children proceedings.

What we have done:

- **Designed the evaluation of the Investigative Approach Pilot to ensure we can fully and robustly learn from the implementation of the pilot.**
- **Invited the Child Safeguarding Practice Review Panel to conduct a review of domestic abuse cases in private law children proceedings.** In taking this forward, the Panel said that the number of cases they saw that were involved in private law proceedings was too low, so they were unable to undertake such a review. In their most recent annual report, the Child Safeguarding Practice Review Panel recognised that domestic abuse is a common dynamic within child safeguarding incidents; featuring in 40% of the serious incident cases that they looked at in 2020. Any further work between MoJ and the Child Safeguarding Practice Review Panel will need to be completed in the context of wider recommendations made in the recently published Independent Review of Children's Social Care and the Panel's national review into the murders of Arthur Labinjo-Hughes and Star Hobson, which features specific learning

on domestic abuse. The Panel chair also meets regularly with the President of the Family Division to share learning and consider ways to work more closely together.

What we will do:

- **Complete the evaluation of the Investigative Approach pilot and the assessment of the flexibilities introduced via Practice Direction 36Y** in order to make recommendations for long-term changes to the Child Arrangements Programme.



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