



Cafcass

Domestic Abuse Practice

Pathway

**A structured approach to risk
assessment of domestic abuse in the family court**

This Domestic Abuse Practice Pathway was created and published by Cafcass. It is available at www.cafcass.gov.uk for other professionals to access. If replicating part or all of the contents of this Domestic Abuse Practice Pathway please reference Cafcass as the original source.

Some of the links contained in the Domestic Abuse Practice Pathway are not live. This is because they relate to internal Cafcass guidance. Please [contact us](#) should you wish to access this internal guidance, or have any other questions about the Domestic Abuse Practice Pathway.

Statutory definition of domestic abuse, including coercive control

A summary of key principles:

Any incident or course of conduct of: controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or who have been personally connected or family members. The abusive behaviour can encompass, but is not limited to: psychological, physical, sexual, economic and emotional harm.

The Government factsheet can be found [here](#).

To make full use of the Domestic Abuse Practice Pathway please read the complementary guidance document.

Assessment objectives are: To prioritise the safety and well being of the child at the centre of proceedings; To promote the best interests of the child and offer a safe recommendation to the court; To work in a trauma focussed, respectful and responsive manner; To assess the impact on the child of their lived experience of domestic abuse and to look for strengths in the family and community to promote safety.

- The Early Intervention Team case screening underpins all future assessment and begins the golden thread of assessment.
- The information available on the C100 and contact log is the starting point for the safeguarding letter (and later, the child's plan).
- Identify and highlight any immediate risks to the child, or young person and the potential victim. Consider whether a safeguarding referral is necessary in accordance with the safeguarding policy.
- Add your case screening to the contact log highlighting both parents concerns regarding domestic abuse and risk to the child/ren and themselves. Is IDVA support required at this stage? [Consider practice direction 27C and potential IDVA support at court hearings](#).
- If information regarding substance misuse and/or mental health has been disclosed on the application form, ensure this is highlighted as these are additional complicating factors/risks.
- Highlight where any criminal/civil sanctions, or orders may be in place or have been in the past. Check previous Cafcass involvement.
- Ensure contact log information is clear, easy to read and well structured.

Safeguarding good practice:

Work to First Hearing initial case screening

Points to consider at all stages

- What are the community, culture and diversity needs of the individual child and family? Guidance for use of interpreters can be found [here](#).
- Is support needed for the child, or parents in respect of disability, to ensure inclusivity regarding access and understanding?
- Is the victim supported by a specialist domestic abuse service? If not is signposting required? Which special measures may be required in court?
- Does the child/ren have any specific vulnerabilities to consider, or support?
- Identify strengths and resilience factors. Is there family support ?
- What is the impact of additional factors such as mental health and substance misuse?

Continue the golden thread of assessment, ask yourself:

- Are the current arrangements likely to be safe?
- Is there any factual information missing? If so where can this be obtained?
- Ensure any confidential addresses are clearly marked as such.
- What additional checks may be required?
- Is MARAC involved or other support services such as an IDVA?
- Which other agencies are involved and which might need to be contacted?
Consider starting an eco map or family tree.
- Any non-molestation or harassment orders in place or other sanctions such as DVPO/ N and have there been any in the past /breaches.

Work to First
Hearing

Desktop
Assessment

Work to First
Hearing

Safeguarding
Interviews

- The [WTFH telephone interview plan](#) gives structure to the information gathering process.
- Where possible, contact the presenting victim first (if already identified at the EIT case screening stage). **Check the person is safe to speak.**
- Use [framing questions](#) to sensitively introduce the domestic abuse enquiry section.
- Follow up allegations with supplementary enquiries regarding current risk. Triangulate this evidence with other sources where possible.
- Is there evidence at this early stage of whether there is a primary perpetrator, of coercive control or of other specific behaviours/ typologies (if so please refer to the guidance document).
- Think about the gaps in information which would strengthen the evidence base and assist in forming an hypothesis.
- Use practice aids where proportionate and appropriate as a reflective exercise and begin to consider the nature, duration, frequency and impact of the domestic abuse (e.g. SafeLives DASH).
- Ask questions regarding the impact on individual children in the family.
- Ask supplementary direct questions to clarify and confirm.
- Ensure the finished safeguarding letter and contact log reflect your initial safeguarding analysis before the case is transferred to WAFH.

Refer to pages 5 and 6 of the guidance document regarding good practice for compiling the safeguarding letter and case plan.

Work After First
Hearing

Planning

- Continue the golden thread of assessment and begin to form a hypothesis using the information on the record.
- Plan which information gathering practice aids will help the parents to begin sharing relevant information with you and generate these from the child's plan.
- The child's plan should include an early risk analysis and emerging evidence of impact on the child.
- Seek consent to contact relevant agencies for information.
- Prepare interview plans to guide your interviews with the parents.
- Send an introductory letter to the child and begin planning your direct work.

Use of practice aids

- Background to the application
- Parental concerns practice aide
- Practice aide for review of family and environmental factors

Initial information
gathering practice
aides

- Domestic abuse what we need to know practice aide
- Safe Lives DASH
- Practice aide for assessment of coercive and controlling behaviour

DA-specific
information
gathering practice
aides

- Spending Time Arrangements Safety Indicator
- Victim empathy and motivation practice aide

Diagnostic practice
aides

- All non-DA specific practice aids in the CIAF e.g. CSE screening tool, Brook sexual behaviour traffic light tool

Additional practice
aides

Plan and structure the assessment

- If possible interview the presenting victim first, so that there is control of the narrative from the victim perspective—**remember to be sensitive to trauma**. Please see the guidance document for further details.
- Use the same practice aids with both parents if possible/ appropriate to identify areas of consistency/ discrepancy.
- Disclosure rules apply to all evidence presented.
- Interview the child alone in accordance with age and stage of development. Consider how the child can be supported by a trusted adult where this may be necessary.

Practice Note

STATIC FACTORS: Those which are factually based and cannot be changed or addressed by therapeutic intervention or treatment.

DYNAMIC FACTORS: Those which can change through treatment, interventions or the passage of time. These include information about the person's current attitudes and beliefs.

In brief:

1. Identify the static and dynamic factors.
2. Form a judgement of risk and harm to the victim and child using information about static factors first e.g. cautions/ convictions.
3. Identify and consider the dynamic factors present in the child's case, to assess whether risk to the victim and child is likely to have increased or decreased.

Assessment Stage 1

Identify the nature, severity/impact and duration of the abuse which the child has experienced

Nature and pattern of the domestic abuse

- **Nature > This means:** How has the abuse been perpetrated? Was this physical, psychological, emotional? Has there been coercive and controlling behaviour present? Have there been injuries or medical attention required? Is there a history of abuse in previous relationships? Who is the primary perpetrator? What is the power dynamic regarding evidence of specific typology? **What has the child or young person experienced in their family environment?**
- **Pattern > This means :** What is the pattern of perpetrator behaviour? Is there a single perpetrator or is there evidence of bi-directional or situational abuse. Is there evidence of violent resistance? Is the behaviour escalating or intensifying? Does repeat litigation form part of the pattern?

Coercive and controlling abuse follows a cycle or pattern. Perpetrators will escalate frequency and severity of abuse to increase a power base. Victim's pattern of behaviour may often seek to mitigate impending abuse with peacekeeping tactics to protect themselves and the child (e.g. agreeing consent orders). Physical abuse is not always present . Perpetrators may make counter allegations as a deflection tactic or to present as a victim. Has the child been brought into the abusive dynamic directly?

Refer to the guidance for more information on typologies of abuse.

Severity > **This means:** What has the victim experienced, how do they describe the level of harm to them and their child/ren? Consider **physical, emotional, psychological abuse** and **coercive and controlling behaviours**. What might be triggers for abuse to take place? What has been the physical, emotional, economic and psychological impact? Has there been sexual abuse? Has the abuse escalated and worsened in severity? What is the victim most afraid of? **In line with trauma informed thinking, ask ‘what happened to you?’** (see guidance for more details).

Duration > **This means:** When did the abuse begin, e.g. in pregnancy, and when was the last example of abusive behaviours? How has the pattern of abuse changed over time, have episodes become more frequent and/or longer lasting? What has been the compounding impact on the victim and child. Is there post-separation abuse? **How long has the child been living with domestic abuse?**

**Establish:
Pattern
severity and
duration**

**Explore:
perpetrator
perception**

- How does any identified perpetrator frame the abuse?
- Is there any degree of meaningful empathy, acceptance or remorse?
- Do they recognise the impact on the child and victim and accept responsibility for that impact and for the abuse?
- Has there been any previous help-seeking behaviour?
- Is there a history of abuse in their childhood?
- Is there a history of previous abuse towards partners? If so is the current victim aware?
- What would they change?
- How involved has any identified perpetrator been in the child’s life? Start to explore motivation and reasons for proceedings, is there evidence that the litigation is about maintaining power and control?

- Are the parenting styles similar? How does the child perceive these styles?
- Who disciplines the child and how do they do this? Is the abuse portrayed as ‘discipline’?
- Is either parent prevented from nurturing the child in any way?
- Are there compounding barriers or complicating factors impacting on parenting such as substance misuse or mental health?
- Who provides basic and day to day care – is neglect present in any form?
- Do the parents see themselves as ‘safe havens’ for the child—cross reference with the views of the child?

**Enquire:
Parenting
styles
and capacity**

Practice Note

Male victims of domestic abuse can be signposted to specific services such as Respect. The Respect website features a helpline, information for survivors and a toolkit for working with male victims of domestic abuse for professionals.

Referrals can also be made to Mankind Initiative for support with children related matters and to Families Need Fathers. See helpline sheet for details.

- The separation is recent.
- There is a pattern of coercive control alleged (prosecutable offence).
- The victim reports being afraid, victim perception of fear is important.
- The perpetrator was previously abusive in another relationship.
- There is abuse in the childhood history of the perpetrator.
- Mental health concerns.
- Substance misuse.
- There is a high level of generalised aggression.
- Presence of stalking behaviours and 'jealous surveillance'.
- Escalating pattern of violence.
- Lethal behaviours, strangulation, sexual violence, use of weapons.
- Threats to kill n.b.: All threats must be taken seriously until sufficiently assessed to reduce the potential threat level.
- Suicidal ideation.
- Separation was not mutual (e.g. perpetrator feels wronged).
- Features of honour based violence (HBV)/radicalisation.

NOTE: Safe Lives DASH tool will highlight areas of immediate concern and high risk.

Consider:

Factors which indicate a raised risk of harm (n.b.: not exhaustive)

Coercive and controlling behaviour

Specific practice aids

- The [aid for assessing coercive control](#) can be used to dig deeper where concerns have been expressed or identified that coercive control may be present. It is designed to capture specific behaviours and open up new lines of enquiry. For example, what has the victim been prevented from doing and how free thought and independence may have been compromised over time.
- Children are also victims of coercive control and are subject to the same emotional and psychological abuse tactics.

Referring to or sharing information with MARACs is not straightforward as they are not deemed to be acting 'in furtherance of child protection' within the meaning of the Family Procedure Rules. To refer a victim and their children to MARAC we must either:

- seek permission from court
- request that the LA submits a referral on our behalf, the usual mechanism for doing this would be a safeguarding referral.

Multi Agency Risk Assessment Conferences (MARAC)

Practice Note

It is important to ensure domestic abuse is not confused with harmful conflict or unjustified rejection which require different interventions . Please refer to the [Distinguishing domestic abuse and harmful conflict screening practice aid](#).

Assessment Stage 2

Identify with whom the child feels and is, emotionally, physically and psychologically safe

The child's
view:

Experience
and Impact

Establish with whom the child feels and is, emotionally, physically and psychologically safe. Explore who is a risk to this child and why?

- Use appropriate age related practice aids and direct work resources including How it Looks to Me in order to capture the day to day lived experience of the child.
- Explore how the child has coped in the home, do they use safety strategies? For example does the child align with the abusive parent to keep safe, or protect the non abusive parent?
- What are the strengths in the family and personal to the child which may increase resilience or be protective factors? Are there any additional vulnerabilities which may increase risk? Resilience should not be considered in isolation.
- How does the child see themselves? Do both parents value the child's individual qualities? Children may be unable to articulate their wishes and feelings freely due to the impact of coercive control. What is the quality of relationship with each parent, does the child have a positive relationship with the alleged abusive parent (Sturge & Glaser)?

Practice Note

At the end of your session with the child, take time to navigate the conversation away from any distressing or traumatic memories, ensure they feel safe and regulated and ready to return to the rest of their day.

- If a child or young person has specific vulnerabilities associated with protected characteristics or other diversity needs, be clear about how these impact the child's lived experience and how a Child Arrangements Order can take account of and support these needs.
- Assess the likelihood of harm arising from spending time with the parent who has abused, as well as considering the likelihood of harm (including to the child's identity) that might occur from no time with a parent who was previously important to the child.
- If there is a sibling group how has the domestic abuse affected each individual child?
- Is the child part of a wider network of extended family and community who may be influential or important to them? Might the extended family pose additional risks?
- Are there conflicts of culture or identity within the family which may cause the child to have divided loyalties?

Diversity
and Identity

Legal and procedural issues to consider

- Where there has been a fact finding hearing (please see [fact-finding guidance](#) for information), the court is required to consider the Welfare Checklist in the light of any findings.
- Where there has been no fact finding hearing, Cafcass staff cannot determine facts. However, Cafcass staff must make use of all of the available information, and their professional judgement informed by the use of this Domestic Abuse Practice Pathway, in order to make recommendations about a safe and appropriate way forward for the child.
- Where there has been no fact finding ordered but domestic abuse concerns indicate that assessment cannot proceed without establishing facts, the practitioner should alert the court prior to filing a section 7. Legal advice may be necessary.
- Refer to [Section 36 and 37 of Practice Direction 12J](#) which highlight the issues for scrutiny by the courts regarding spending time arrangements. These themes should also be considered by the practitioner.



Assessment Stage 3

To assess the harm and impact of the domestic abuse on each individual child using a risk and strengths based approach

Building an evidence base

- What does the evidence tell you about the nature, duration and severity and impact of the abuse?
- How would you describe the behaviours using a typology approach?
- How have the practice aids contributed to your understanding of the domestic abuse?
- Is coercive control present and what is the pattern and impact?
- How do the parents relate to each other? Is there an element of fear present?
- Is the domestic abuse situational or bi-directional? How do you know? Is there a possibility that it is violent resistance?
- What do the static factors tell you regarding risk?
- What are the changes over time? Has the risk increased or decreased and if so why?
- What are the strengths and resilience factors in the family?
- What is the role of faith and culture in the family dynamic?
- What has the child experienced? Have they expressed a wish to have contact, if so is this likely to be safe and beneficial?

- Use a trauma informed approach to assess the impact on the child in the short and in the longer term.
- Consider the impact on the child by developmental level.
- Identify impact by exploring emotional, psychological and physical welfare of the child both now and in the future. Speak to professionals who know the child.
- Is there evidence that spending time arrangements would be positive for the child and if so describe this impact?
- Has the child been manipulated by coercive control? Do they seek to pacify the abusing parent? Is there evidence of agency and a sense that the child can freely express his or her views?

What is the impact on the child?

Practice Note

Where there are additional factors such as mental health or substance misuse issues your assessment should consider, based on the evidence available, whether these are reactions to domestic abuse.

Issues of diversity which may impact on equality and inclusion should be assessed. Research indicates that discrimination can be compounded where multiple barriers exist.

IMPORTANT REMINDER

It is important not to define abuse as 'historical'. Using the term 'historical abuse' may dismiss or minimise something that may still be current for the adult or child who experienced it and lives with its impact.

Consider strengths and vulnerabilities

- How has parenting capacity been impacted? Trauma may compromise the ability of the non-abusing parent to support a child arrangements order safely.
- Is the child/young person meeting milestones?
- Does the child have behavioural or learning difficulties? Are these trauma related?
- Does the child have friends and talents and a sense of self efficacy?
- Has there been multiple adversities (ACES)?

- The child has a close bond with at least one person.
 - Good parental mental health and no issues with substance misuse.
 - Strong sibling attachment.
 - Age and development.
 - Extended family support and strong community.
 - Positive self esteem and a strong sense of self.
 - The child is able to make choices freely.
- Please refer to the guidance for more information.

Consider factors associated with resilience

Practice Note

Where you have assessed that it may be safe and beneficial for a child to spend time with a parent who has been abusive it is important to consider the full spectrum of options from letterbox contact (such as cards and gifts), to video/ facetime calling (which is not without risk and should be used cautiously) through to in-person arrangements including supervised and unsupervised. Spending time arrangements are not a binary between 'direct' and 'indirect', our recommendations should be more nuanced than this and reflect the individual needs of the child/ren we are working with. In some high harm cases it is appropriate to recommend 'no spending time', consideration can also be given to s.91(14) conditions.

Assessment and Risk

- What has been happening? **History**
- What is happening now? **Current**
- What might happen? **Future**
- How likely is it to be repeated? What would be the risk to the child if contact does or does not happen? **Risk**
- How serious and impactful would it be? **Impact on the child**

Assessment Stage 4

Assess the likelihood of continued harm from domestic abuse and the seriousness and impact if this were to happen

- Using your evidence base, assess the risk of harm to the child in the context of the application, applying professional judgement.
- Assess the impact of the abuse alongside the likelihood for the harm to continue with spending time arrangements in place and how serious and impactful this would be.
- What specifically is the predicted risk for each child and for the victim
- Is unsupervised in-person time spent together safe?
- Could an intervention such as ICFA help make arrangements safer?
- Where there is a recommendation for a 'stepped' Child Arrangements Order a safety plan would be advised.
- How can identity be promoted if no in-person arrangements are recommended with one parent?
- How can wishes and feelings be balanced with risk in the best long-term interests of the child or young person?

Stage 4

Risk assess likelihood and seriousness/ impact

Assessment Stage 5

To provide the court with a clear, evidence-based and well-reasoned onward recommendation in accordance with the child's best interests

Structure your recommendation

- Ensure your report captures the lived experience of the child regarding domestic abuse. What has been the trauma impact on each child?
- Refer to the practice aids you have used and describe how they have enhanced your evidence base and contributed to your professional judgement.
- Is the voice of the child clearly visible in the report? Use direct quotes and vivid language to ensure the child 'leaps off the page'.
- Begin to plan how you are going to share your recommendations with the child, especially if you have departed from their wishes and feelings.
- If lethal behaviours have been identified, be clear regarding how these risks have impacted on your recommendation.
- What is the specific risk to the victim and child/ren - can it be mitigated by safety planning? If not, say so.
- What are the impacts of additional factors, i.e. substance misuse, mental health, culture, community?
- Your recommendation must follow a well reasoned risk assessment process which identifies why spending time arrangements are or are not safe or beneficial for each child.

What is an ICFA? ICFA is a commissioned 6-8 week service to help families who find it difficult to agree lasting arrangements to meet their child's needs.

When is it appropriate to use ICFA in a case with domestic abuse?

Before recommending to the court a referral to the ICFA service, you need to undertake an assessment to determine any risks and whether conflict between parties is preventing safe and beneficial arrangements being achieved. Where it has been assessed that time spent is both safe and beneficial for the child, ICFA may be appropriate. Please check the [contact activities](#) guidance before considering ICFA.

How is a referral for ICFA made? IFCAs should be ordered by courts for children who are remaining open to us. Referrals are made by FCAs on the [ICFA Referrals Portal](#). Guidance on how FCAs can make a referrals can be found [here](#).

Improving Child and Family Arrangements Service (ICFA)

Practice Note

Is the golden thread of evidence visible throughout your assessment? Go back to each stage and check. Does your recommendation meet the test of supporting the child with their emotional development and any mental health needs and recovery from trauma, abuse or neglect?

Sturge and Glaser criteria — check

- Some (preferably full) acknowledgement of the abuse.
- Some acceptance (preferably full if appropriate) of responsibility for being the sole instigator of the abuse.
- Full acceptance of the inappropriateness of the abuse particularly in respect of the domestic and parenting context of the abuse and of the likely affects on the child.
- A genuine interest in the child's welfare and full commitment to the child.
- A wish to make reparation to the child.
- An expression of regret and an understanding of the impact the abuse on the ex-partner and child.
- Indications that the parent seeking to spend time with the child can reliably sustain this in all senses.

A [new practice aid](#), based on the above, Sturge and Glaser criteria, has been introduced to the CIAF. It should not be used as a checklist or standalone practice aid, but as a supplemental guide to explore motivation and victim empathy within a holistic assessment alongside the static and dynamic risk factors.

Motivation and indicators regarding victim empathy

Compounding factors to consider

- Where there are multiple barriers and risk factors such as substance misuse and/or mental health, there must be consideration of whether they should be addressed in any way before a CAO is made. This may not be in the child's timescale for resolution of the application.
- Explore motivation and commitment to change.
- Check you have been clear regarding diversity information and any individual/specific issues relating to the child and potential spending time arrangements.

- Cafcass-commissioned DAPPS concluded in March 2023. The MoJ is currently developing a new programme.
- This heightens the need for clear, well-reasoned risk analysis and an understanding of actual harm. FCAs will need to ensure their analysis uses the five-stage approach set out in this pathway. This will support the making of safe and well-reasoned recommendations.
- We cannot recommend or endorse parents self-referring to our self-funding attendance to a local DAPP, and need to respectfully remind courts that [Respect accredited](#) and [CSAAP accredited programmes](#) will not accept any such referrals. Where parents have attended a self-referred or self-funded programme, our reporting and recommendations will be based on our own assessment and not reports offered by these programmes.
- It is important to seek situational supervision and management support should you feel uncertain about what we can recommend or our ability to comply with a court's direction.

Please refer to the Domestic Abuse Practice Guidance for further guidance on the absence of DAPP.

Absence of DAPP

Note

Please see a list of domestic abuse national helplines [here](#).