



Practice Pathway:

A structured approach to risk assessment of domestic abuse

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Some of the links contained in the Pathway are not live. This is because they relate to internal Cafcass guidance. Please contact us at Privatelawprojects@cafcass.gov.uk should you wish to access this internal guidance or have any other questions about the Pathway.

Introduction

This practice pathway has been formulated to provide the practitioner with a structured, focussed and stepped framework for assessing cases where domestic abuse is a feature, to assist the practitioner in assessing child impact. The pathway is compatible with the Cafcass Child Impact Assessment Framework and can be used as standalone guidance or as part of a holistic assessment of risk in varying relational contexts within family proceedings.

The practice pathway was launched in November 2016 and since that time has embedded the following practice improvements:

- *Ensuring there is a clear link between information gathered and the final recommendation*
- *Embedding the use of evidence-based tools across all service areas*
- *Addressing learning from external inspections, internal and external audits and SCR's re: 'getting off on the wrong foot', 'the rule of optimism', 'confirmation bias', 'minimisation' etc*
- *Evidencing a process which accentuates our level of expertise*
- *Emphasises a systematic and structured professional judgement approach in line with our social work skills and values*
- *Helps to identify those cases where the perpetrator's behaviour increases risk*

Cafcass has a clear framework as we operate within the Children Act, Family Procedure Rules and we have our own detailed policies and procedures which provide the foundation and structure for our work. We need to find the right assessment pathway within this framework to match each family dynamic and consider each child's individual needs in that context and the impact of their lived experience of domestic abuse.

Key practice points	
Consider: Child impact and risk	<ul style="list-style-type: none">• What has been happening for this child? - Past• What is happening now? - Present• What might happen? - Future• How likely is it to be repeated? - Risk• How serious would it be? - Impact on the child

Set clear expectations with the parents that the focus of your work will be on child impact. [These templated letters of expectation can assist with this.](#) The versions of the letters for younger children and older young people aim to ensure that they know what to expect from Cafcass and that we also aim for them to be active participants in their own case.

Domestic abuse - current context

- Cafcass received 42,058 new Private Law cases in 2017-2018. This is 3.8% (1,522 cases) higher than the same period 2016-17 and 12.5% (4,683 cases) higher than 2015-16.
- Safe Lives (2015) found that 130,000 children live in homes where there is high-risk domestic abuse.
- A significant proportion of private law applications will evidence domestic abuse. Women's Aid & Cafcass (2017), found that 62% of applications to the family court about where a child should live or spend time feature allegations of domestic abuse.
- Under reporting is prevalent in domestic abuse situations, and a significant proportion of private law applications will not evidence domestic abuse but it may present during your assessment.
- Cafcass audit shows that 30% of cases returned to court in 2016/17. Four principal causes for returning cases were identified: safeguarding concerns raised by parties; high conflict between adults; changes in life circumstances; and the child's wishes and feelings.

Practice note

Please use the links within this document which are highlighted in the text. These will provide a knowledge bite of relevant information.

- EIT engagement with service users underpins all future assessment and begins the **golden thread of assessment**.
- Seek clarity regarding immediate safety and confidentiality.
- Use tools where proportionate and appropriate as a reflective exercise to begin the hypothesis.
- Begin to consider the nature, duration and frequency of the domestic abuse and introduce questioning about its impact on individual children in the family.
- Ask supplementary direct questions.
- Always, record an initial safeguarding analysis on the contact log as your professional judgement before the case is transferred.

First hearing

Work After First Hearing - Build on what we know

Continue the '**golden thread**' of assessment and analysis from the known static risk factors, Cafcass Intake Team (CIT) triage and Early Intervention Team (EIT) intervention.

Practice note

All assessment should adhere to the principles of fairness and best interests of the child.

- Is there any factual information missing?
- Are additional checks needed?
- Are the current arrangements safe?
- What other agencies are involved?
- Are there any [non molestation or harassment orders](#) in place?
- Factor any charges, pending prosecutions and convictions into your assessment.

Question

Begin your hypothesis

- Is there a primary perpetrator or more than one perpetrator?
- Look for gaps in information.
- Plan your interviews safely and consider an interview plan.
- Update the case plan and contact log with actions, intentions and professional judgement.
- Consider whether disputed facts need to be heard by the court or whether any known or disputed facts are sufficiently covered within your emerging case analysis. It may be useful to refer to Cafcass' [fact-finding guidance](#)
- It may be useful to refer to Sturge & Glaser (2000)

Static factors

Those which are based in the individual's past history and demographics and so are not amenable to change.

Assessment tools: Plan

- Information gathering tools for domestic abuse will inform your assessment and be an evidence base for your analysis. These are found in the [Tools Matrix](#). Please [click here](#) for a briefing on Barnardo's domestic violence risk identification matrix.
- State on the case plan which assessment tools you will be using and be clear as to why they are appropriate for this particular family situation.
- Are there complementary tools which will assist your understanding of the case?
- Relate all enquiry pathways back to the impact on the child.

- Tools complement professional assessment and provide an evidence base to support a hypothesis, along with guidance on how a FCA might proceed.

Assessment tools: Note

Domestic abuse factors to consider

- Domestic violence and abuse exists on a spectrum and each case will have different characteristics, assessment path and final outcome.
- The impact on the child will vary according to the resilience and adversity factors present, and parenting capacity may also be affected. [This document](#) helps with understand the impact on children of domestic abuse.
- Look for exacerbating risk factors within the information gathered.
- Look for protective and strengths based factors which will diminish risk
- Is an intervention for the child appropriate?

Practice note

Consider signposting for victim/survivor support if appropriate. Male victims may wish to be referred to the [Respect website](#) where there is supportive information such as the men's advice line and an informative [toolkit for work with male victims of domestic abuse](#).

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 gained. For more information on static and dynamic risks please [click here](#).

Factors which indicate a raised risk

Laura Richards - Domestic Abuse, Stalking and Honour Based Violence (DASH)

- The separation is recent
- There is a pattern of coercive control alleged (note this is now a prosecutable offence)
- The victim is evidently afraid
- The perpetrator was previously abusive in another relationship
- There is abuse in the childhood history
- 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. NB 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.

- The [SafeLives DASH risk identification checklist](#) (RIC) will identify any high risk lethal behaviours - use where domestic abuse has been identified. It is available in many different languages. The actuality of the abuse needs to be measured for present impact and to establish recency of the abuse. Here is the [guidance for use of this tool](#).
- Refer to Multi agency risk assessment conference (MARAC) where appropriate - leave of the court required. Further information about Cafcass' role and MARACs can be found in the [Operating Framework](#).
- Assess any high risk behaviours with reference to immediate and future risk and with specific regard to the impact on the victim and child.
- When exploring threats to kill the victim and/or child ask the victim whether in their view this is a credible threat. Research shows that victim perception of lethality should be taken as high risk indicator
- You are considering whether there is potential for safe and beneficial child arrangements and whether any intervention may reduce risk sufficiently to enable this to happen. The answer may be no in which case a recommendation for no contact or indirect contact would usually follow, rather than supported or supervised contact NB This is general guidance only, each case is unique.

Lethality

Coercive behaviour

- Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. [Coercive control](#) involves repeated, ongoing, intentional tactics which are used to limit the liberty of the victim. Those tactics may or may not necessarily be physical. They can be sexual, economic, psychological, legal, institutional, or all of these. By deploying these tactics the abuser can create a world where the victim is constantly monitored or criticised and every move and action checked. Victims often describe coercive control as not being 'allowed', or having to ask permission, to do everyday things; and being in constant fear of not meeting the abusers expectations or complying with their demands. The term 'walking on eggshells' is often used. Perpetrators will often make counter allegations in an attempt to present themselves as a victim. Please [click here](#) add link for Cafcass' assessment of coercive control tool and [here](#) for the coercive control e-learning.

- Controlling behaviour is - a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Controlling behaviour

Note

Note - be alert to the possible presence of controlling behaviours and always consider the power dynamic within the relationship.

Benchmarking

- The information gathered from the family interviews child/checks/tools, should be benchmarked against the [Barnardo's Domestic Violence Risk Indicator Matrix](#).
- Assess where the identified risks and protective factors appear on the matrix.
- Bring your evidence together and record your professional judgement on the case plan. Keep in mind the 'golden thread'.
- How does this translate with regard to the potential for safe and beneficial child arrangements? Use the Safe Contact Indicator for reference.
- Guidance using the matrix can be found [here](#)

- Have you captured the lived experience of the child in relation to the domestic abuse?
- [Wishes and feelings](#) should be balanced with the emotional welfare of the child over time when considering contact and child arrangements.
- Balance the child's views with impact and protective factors in order to determine future risk and the potential for sustainable child arrangements.
- Consider the issue of identity and balance the risk of harm between contact and no contact regarding impact on the child over time. Reflect on the cultural sensitivity of your assessment. Have you taken account of the cultural context of the child and their identity needs?
- At the end of your session with the child take the time to deescalate the conversation, back to normal every day matters so as to minimise any distress.

Child's views

Practice note

Note on conflict and domestic abuse – use the [domestic abuse and harmful conflict screening tool](#) to distinguish between the two. This tool is designed to be used early in the life of a case to help in deciding which will be of most assistance in your assessment: the purple domestic abuse tools and guidance or the orange harmful conflict tools and guidance. It is not designed to be a diagnostic tool in and of itself and does not replace professional judgement.

Care should always be taken to ensure you have clearly distinguished between couple conflict and situational couple violence, and situations where there has been a pattern of coercive control. Assess the potential for these behaviours to continue within and following the proceedings, and how the child may be affected either directly or as a result of diminished parenting capacity. 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 find facts. However, Cafcass staff must make use of all of the available information, and their professional judgement informed by the use of this pathway, in order to make recommendations about a safe and appropriate way forward for the child.

Note on Typologies

Work regarding typologies for domestic violence perpetrators exists but should be used cautiously in assessment and analysis. Each family context is different and risk should be determined by structured professional judgement. The information gathered through this approach can be used to guide treatment planning and risk management and allows for a 'logical, visible, and systematic link between risk factors and intervention' (Kropp 2008). Categorisation is rarely able to be defined without explanatory evidence based assessment which is both risk and impact focussed. All conflict should therefore be considered on a dynamic continuum using the domestic violence risk identification matrix (DVRIM) to consider all relevant factors to produce an holistic overview of risk. When considering typologies of domestic abuse, some practitioners have found them very helpful in identifying what might be going on within a family. For example, a family affected by situational couple violence is very different to a family affected by a clear perpetrator of coercive control. Understanding these typologies can help justify a recommendation. The main points on typologies by Johnson (2011) are below:

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

Violent resistance - many victims of intimate terrorism can respond with violence of their own. For some, this is an instinctive reaction to being attacked and often cited as self defence or a reaction of last resort by the woman victim.

Situational couple violence (SCV) - SCV that is not part of a general pattern of coercive control, but occurs when couple conflicts become arguments that turn to aggression - perpetrated by men and women. SCV can occur as a result of life crisis events and vary in intensity and frequency dependent on the relational couple dynamic. [Here is a link to further guidance](#) and a classification table for SCV.

Separation Instigated Violence - specific to the separation situation.

Holtzworth-Munroe & Stuart (1994) have also done some research on typologies of violence.

Here are additional contemporary references you may wish to explore further regarding these typologies. The articles demonstrate how the research has been reviewed and continues to inform the development of domestic abuse interventions. They can be requested from the library.

199334 Johnson, M. (2008). *A typology of domestic violence: intimate terrorism, violent resistance, and situational couple violence*. Boston: MA: Northeastern University Press.

172163 Carlson, R., & Dayle Jones, K. (2010). *Continuum of conflict and control: a conceptualization of intimate partner violence typologies*. *The Family Journal*, 18(3), 248-254.

193123 Bender, K., & Roberts, A.R. (2011). *Battered women versus male batterer typologies: same or different based on evidence-based studies?* *Aggression and Violent Behavior* 12(5), 519-530.

197237 Wray, A., Hoyt, T., Gerstle, M., & Leitman, B. (2015). *Examining intimate partner violence types in a diverse sample of court-referred parenting dyads*. *Journal of Child Custody*, 12(3-4), 248-272.

201399 Pitman, T. (2017). *Living with Coercive Control: Trapped within a Complex Web of Double Standards, Double Binds and Boundary Violations*. *British Journal of Social Work* 47, 143-161.

199334 Kelly, J., & Johnson, M. (2008). *Differentiation among types of intimate partner violence: research update and implications for interventions*. *Family Court review*, 46(3), 276-499.

Please [click here](#) for a more extensive reading list on different aspects of domestic abuse including female perpetrators and domestic abuse within LGBT+ relationships.

Structure your analysis

- Summarise the nature, duration and frequency of the domestic abuse.
- Refer to the tools you have used and describe what they have told you in relation to the domestic abuse.
- If lethal behaviours have been identified, be clear as to how you have assessed these in the context of ongoing risk
- Where you cannot recommend that a child has contact with a parent, what interventions might make this safe in future?
- What is the specific risk to the partner and child/ren?
- Balance risk against the protective and resilience factors.
- What is the residual risk in the context of the application and arrangements for the child?
- What are the reasons for your recommendation?

- 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 would it be? - **Impact on the child**

Consider

Practice note

Have you incorporated the evidence base of child impact, or impact on more than one child, into your structured professional judgement and recommendation?

Does your recommendation meet the test of supporting the child with their emotional development and any mental health needs, e.g. recovery from trauma, abuse or neglect?

Before filing

- Ensure the **golden thread** is visible from the beginning to the end of the assessment.
- Check that all the earlier and subsequently identified risk factors are included in your analysis.

Go back to the beginning of the case file and check.

- Is a Child Arrangements Order, either live with or spend time with, a safe recommendation? Check you have referred to the [safe contact indicator](#).
- Is an intervention required in order to try and achieve safe and beneficial contact?
- In cases where child arrangements may be safely managed without an intervention, can you offer a stepped recommendation for a final order?

Arrangements for the child

Is a Domestic Abuse Perpetrator Programme (DAPP) required as a court ordered activity (COA)?

- If a [DAPP](#) is a possible recommendation, check your report is clear as to why the intervention may be appropriate.
- Have you assessed using the Sturge and Glaser criteria that the perpetrator has some insight and understanding regarding his behaviour? You can request the Sturge and Glaser criteria and report from Cafcass Library.
- What specific changes are needed to reduce risk and how might the intervention address this?
- How might the child benefit by the parent undertaking the programme?
- What outcomes are you considering?
- Are there additional risks, for example substance misuse, mental health which might need addressing before a DAPP programme could be effective?

- The court must specify that the DAPP should be a [Court Ordered Activity](#)
- Cafcass should be directed to make the referral to an approved provider for a suitability assessment ([Practice Direction 12J knowledge bite](#) and [Cafcass guidance](#)).
- Currently the DAPP is for men who have been abusive to their female ex-partners. Cafcass is consistently keeping under review the research base around gender informed approaches.

Court Ordered Activity (COA)

Case management

- The case must remain open whilst the father is on the DAPP as we manage the risk to the child.
- Consider where safe to do so whether any arrangements for the child may be changed if progress is being made. Child Contact Intervention (CCI) may be appropriate after the midway point.
- All provider reports to be filed in the experts and other agencies ECMS folder.
- Provider reports are for Cafcass to interpret for the court in relation to whether risk has been reduced for the child.
- Ongoing social work during the programme will be determined by the level of risk to the child and should be clearly identified on the case plan.

Note

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

Reference list

Cafcass and Women's Aid (2017). *Allegations of domestic abuse in child contact cases: joint research by Cafcass and Women's Aid*. London: Cafcass.

Holtzworth-Munroe, A. and Stuart, G. (1994). Typologies of male batterers: three subtypes and the differences among them. *Psychological Bulletin*, 116(3), pp.476-497.

Johnson, M. (2011). Gender and types of intimate partner violence: A response to an anti-feminist literature review. *Aggression and Violent Behavior*, 16(4), pp.289-296.

SafeLives (2015). *Getting it right first time*. London: SafeLives.