

Pioneering approach in family courts to support domestic abuse victims better

- pilot launched at family courts in North Wales and Dorset to better support victims of domestic abuse
- sets out to improve information sharing so that victims avoid retelling traumatic experiences
- part of government's decisive action to tackle domestic violence and improve victim support

The new pilot launched at family courts in North Wales and Dorset aims to improve information sharing between agencies such as the police, local authorities and the courts. This could include local domestic abuse professionals sharing risk assessments with the court to spare victims and parties in the case the trauma of having to unnecessarily repeat their experiences.

Crucially, it will also boost the voice of children at every stage of the process, ensuring they are listened to and their views are taken into account when decisions are made about their futures. It will see children given more opportunity to explain how they feel and, following a court order, to say whether it is working for them.

The pilots work by allowing judges to review gathered information and request more documentation before a case gets to court. It avoids the circumstances of the case being debated in the courtroom, which can often exacerbate conflict between parents. The pilot will also encourage proceedings to be less adversarial so that more emphasis can be put into investigating and addressing allegations of domestic abuse and other harmful behaviours – rather than allowing confrontation in the courtroom to take place.

Between three months and a year after a ruling is made, in most cases the courts and the agencies involved will carry out a review to ensure decisions made are working well. This includes assessing whether court orders are being followed and whether additional support is needed.

Justice Minister Lord Wolfson QC said:

This government is doing everything we can to protect victims, make them feel safer, and give them greater confidence in the justice system.

These pilots will help ensure victims of domestic abuse aren't further traumatised by the court process and that better decisions are made about their and their children's lives.

This, alongside our landmark Domestic Abuse Act, will ensure that victims are loudly heard and fully supported.

The pilot follows from a [review of Family Courts](#) which found that an adversarial process often worsened conflict between parents and could have a damaging impact on victims and their children.

Today's (8 March 2022) announcement forms part of the government's sweeping reforms to transform the way family courts operate, contained in the Domestic Abuse Act. These include a ban on perpetrators cross-examining their victims as well as measures to prevent them from repeatedly bringing their ex-partners back to court – which can be used as a form of continuing domestic abuse.

Nicole Jacobs, Domestic Abuse Commissioner for England and Wales

Every day I hear from domestic abuse survivors about their experiences in the family courts. Many victims and their children feel re-traumatised by the process which is why seeing improvements in the family courts is one of my top priorities as Commissioner

I am delighted to see the Harm Panel's recommendation to test a more investigative approach to domestic abuse cases now being piloted.

Crucial to the success of these pilots will be ensuring that domestic abuse – particularly coercive control and the impact it has on adult and child victims – is fully understood and the risk it poses to survivors and children is taken into account throughout the proceedings.

Rhianon Argent, Senior Practitioner, Bournemouth Women's Refuge & BCP Outreach Team, said:

BCHA are pleased to be involved in this important pilot project that will provide essential support for domestic abuse survivors going through the family court. This project has enabled us to recently recruit a specialist support worker, as part of our domestic abuse team, who will be dedicated to the family court.

They will focus on the safety of victims at risk of harm from partners, ex-partners or family members providing support before, during and after the court process.

In addition they will provide training and support for court personnel in understanding domestic abuse and coercive control.

This is a much-needed new initiative, so that we can raise awareness of the trauma caused by domestic abuse and help to

achieve best evidence at court with victims and survivors in Bournemouth and the surrounding areas.

Rhian Lewis, Head of Operations / Deputy CEO, Domestic Abuse Safety Unit (DASU) North Wales

DASU are very excited to be actively involved in the pathfinder's pilot in North Wales.

Many of the families that we support have felt let down by the Family Courts system stating that they felt that no one was listening to their experiences of domestic abuse and that perpetrators were able to continue to control and abuse them through this process. Survivors of domestic abuse have suffered enough.

The Pathfinder pilot is a real opportunity to change the way that we support families that experience domestic abuse by recognising the risk, addressing safeguarding issues, reducing re-traumatisation and putting children and their non-abusive parent at the heart of the process. This system will improve their quality of life and put a stop to perpetrators being able to use the Family Courts as a means of exercising their control.

The investigative pilot will be tested initially in Bournemouth and Weymouth in Dorset, and Caernarfon, Mold, Prestatyn and Wrexham in North Wales for up to two years before a full evaluation.

The pilot was designed in consultation with a wide range of family justice experts including judges, charities and academics and is comprised of three stages. Agencies will first gather information and assess whether there are any concerns for a child or person involved in the case about substance misuse, domestic abuse, or other welfare issues. There will then be a hearing to decide what interventions or decisions are required, for example whether it could be suitable for mediation out of court. It would also look at whether programmes such as Separated Parent programmes on how to put children first when a relationship breaks down are needed before an order is made. The new process aims to take the confrontational elements out of the family court system, with a focus more on investigating and solving problems to reduce potential harm to those involved.

The pilot will also, when appropriate and safe, help direct families towards accessing out of court options such as mediation. This could see them avoid the family courts altogether, resolving disputes without the stress of often lengthy and costly courtroom battles.

The government has invested more than £3.3 million into a landmark mediation voucher scheme helping thousands of families find amicable solutions outside the courts. Since its launch in March 2021, over 5,800 vouchers have already been used under the scheme with 77 percent of cases reaching full or partial

agreements away from the family courts.

Notes to editors

- The pilot was drawn up by the Private Law Advisory and Pilots Group made up of individual members of the judiciary, Cafcass, HMCTS, and the Ministry of Justice. It also worked closely with stakeholders such as the Family Justice Young People's Board, academics, police, the Domestic Abuse Commissioner, and charities such as Women's Aid, Welsh Women's Aid, SafeLives, Respect, JUSTICE, Centre of Justice Innovation, and the Nuffield Foundation.
- The types of cases being involved in the Integrated Domestic Abuse Courts are:
 - Child arrangement orders – an order that decides the arrangements of whom a child is to live with, spend time with, or has contact with.
 - Specific issue order – to resolve a particular issue around parental responsibility. For example, this could be around medical treatment, name change, relocation or education.
 - Prohibited steps order – to prevent a parent from carrying out a particular action as part of their parental responsibility. For example, removing and relocating the child to outside England and Wales or changing a child's surname.
- In January 2022, the Government announced £1.3 million in funding for a [Family Mediation voucher scheme](#), bringing the total amount to nearly £3.1 with thousands of families benefiting from free out of court mediation.
- In August 2021, the Government announced a [call for evidence on dispute resolution](#), seeking views on the best ways to settle family, business and other civil disputes away from the court room. A response will be published in due course.
- In November 2020, a [review of the Presumption of Parental Contact](#) was launched. This work is still ongoing.
- In December 2021, the Government launched a [consultation on a new Victims' Law](#) which would help provide greater support to victims and ensure they have a voice in the justice system. This consultation closed in February and will be responded to in due course.