

Statement of practice

in child arrangement cases which involve allegations of domestic abuse and other risks of harm

- Allegations of domestic abuse, child sexual abuse and other safeguarding concerns raised by parents or children will be dealt with respectfully and explored fully.
- Processes and decision-making will be free of any form of bias including gender bias, racism, stereotyping and prejudicial assumptions.
- Court processes and facilities aim to provide safety and security for all participants, to avoid re-traumatisation and to allow participants to be emotionally supported. In particular, domestic abuse and sexual violence support workers should be allowed to accompany the party they are supporting into the court room.
- The court and all those working within the system will be trained in understanding of the nature of domestic abuse, including coercive control and sexual violence (including child sexual abuse) and their impact, the issues and barriers to disclosure, that such disclosure often happens over time, and all court processes will deal with any such disclosures appropriately and sensitively.
- Processes will be as speedy as possible and delay will be kept to a minimum, but safety is the priority.
- The court and those working within the system will be alert to those seeking to use court processes in an abusive or controlling way. Such behaviour will be actively identified and stopped.
- The court will ensure any expert instructed or work recommended, including domestic abuse perpetrator programmes, is appropriately and suitably qualified and recognised by the appropriate body.
- The court will ensure specialist input is sought in all family court cases involving child sexual abuse allegations at the earliest opportunity, with an emphasis on listening to children's voices and, if the child does not have words, recognising behaviours that indicate sexual abuse.
- The court aims to ensure a coordinated response across agencies to issues of harm and risk to children.
- Children's views on matters affecting them will be central to decision-making processes, and heard in accordance with their rights under the UN Convention on the Rights of a Child. Where a Cafcass, Cafcass Cymru, social work or expert report makes a recommendation or the court makes a decision which is contrary to the child's wishes, the reasoning for this should be explained to the child.

- If allegations of domestic abuse, child sexual abuse or other serious offences are not found as facts, the underlying reasons why the allegations have been made will be sensitively assessed and addressed as far as possible.
- The ongoing safety of child arrangements orders will be kept under review. If a child feels unsafe having court-ordered contact, then the reasons for this will be assessed in a child focused way, the child's voice will be heard, and their concerns will be appropriately acknowledged and addressed.