

8 Safety issues

123. Domestic violence and other forms of abuse raise emotive and controversial issues. Unfortunately, the Department was unable to provide accurate statistics indicating how frequently such problems occurred in contact disputes. Other witnesses offered widely differing views. Groups representing victims of abuse, such as Women's Aid and the NSPCC, focused on the inappropriate grant of contact and the underreporting of domestic violence. Groups representing non-resident parents stated that false accusations were frequently made to frustrate contact and that this was not adequately recognised by the Court. Witnesses also pointed out that many child abuse cases arose while the child was at the home of the resident parent. Baroness Ashton acknowledged that "we do not have any statistics about unfounded allegations because, as they are unfounded, they are not pursued".

Anecdotal evidence based on case reports was produced by the judiciary demonstrating that unfounded accusations of domestic violence had occurred in some cases.

124. The Department accepted that the underreporting of domestic violence was a problem. Baroness Ashton stated that:

What we are trying to do is to develop a systematic way in which we approach this, a process that from the beginning enables those who might be victims of domestic violence to bring that forward. We know from experience that those who suffer domestic violence sometimes do not know that they are even victims of domestic violence, it is how they live.

125. Following the implementation of s 120 of the Adoption and Children Act 2002 the Department has announced a number of initiatives in this area, including the introduction of 'Gateway forms' to allow courts to be informed about allegations of domestic violence at the outset of a case. An evaluation of the number of applications with domestic violence will start in the summer of 2006.

Baroness Ashton told us that: We want to make absolutely sure that where [safety] could be a factor it is enabled to be raised at the beginning and throughout the process and that where it is raised the court makes a finding of fact looking at the evidence that might be available to the court to determine whether or not it is a factor and then, where it is a factor, it should be clear about the definition of harm and what the implications would be of that in terms of contact with the child.

126. The introduction of further finding of fact hearings in every case where domestic violence or safety issues are raised would automatically lead to further delays. It may not be essential for a finding of fact hearing to take place in every case, since in some cases parents will admit to misconduct, whilst in others it may be plain that there is not a continuing safety issue in respect of the children. The Government should undertake research to assess the percentage of claims of violence found to be upheld in findings of fact hearings in contact and residence cases.

127. Until the Department is able to present coherent statistics on the issue of domestic violence, there will continue to be a dispute as to the extent to which claims are underreported or are falsely made in order to exclude fathers from contact. Baroness Ashton acknowledged that this was a problem:

One of the interesting aspects whenever a Select Committee does a piece of work is that

one finds out what one does not know and certainly I would say to the Committee that one of the helpful things that has happened is that we need to think very carefully about the kind of statistics we collect and the sort of information we need without burdening, as you will appreciate, CAFCASS, the courts or others and it might well that be the Gateway process in a sense enables us to do that.

After we finished taking evidence, we received the report A Profile of Applicants and Respondents in Contact Cases in Essex by a team at the University of East Anglia.

Part of this work considered the reasons given for domestic breakdown. This included domestic violence—cited by 24% of women as the first reason for breakdown of the relationship: 38% of women cited domestic violence or physical abuse as one of the reasons for breakdown of the relationship. Although this study is based on a relatively small sample (59 contact cases in Essex over a four month period) it is a useful and welcome addition to the research on this topic. The researchers concluded: "In terms of the overall sample there was no clear link between reports of physical abuse and domestic violence and child protection issues".

128. There is little accurate or credible research on the extent to which problems relating to domestic violence have a bearing on contact applications, although we accept that domestic violence is generally underreported. The Department is proposing to introduce 'Gateway forms' to identify whether domestic violence is an issue at the earliest possible stage. These will have to be closely monitored, both to assess the safety issues and to ensure that they do not give rise to additional legal argument. It is essential that where safety is an issue this is reported. Nevertheless, the Government will have to be careful to ensure that the use of these forms in every case does not provide parents with another weapon to use against each other, leading to more delay in deciding cases.

129. It is vital that important safety issues such as domestic violence and other forms of abuse are effectively addressed. Enforcement action by the courts should not occur while there are unresolved safety concerns. Equally, false accusations raised by parents as a mechanism to frustrate contact should not succeed. The Department should follow up the introduction of 'Gateway forms' by examining the proportion of cases where the courts conclude that violent or abusive conduct has actually occurred.

Contact centres

130. The Government has indicated that new money will be found to increase the number of contact centres, where contact has been ordered in circumstances where there may be a risk of harm. On 18 January 2004, the Department made an announcement (in conjunction with the Department for Education and Skills and the Department for Trade and Industry) that the Government will be making a further £7.5m available over 2006/07 and 2007/08 to sustain and develop services to support contact between parents and children, including those delivered through child contact centres.

It has been suggested by some witnesses that use could be made of grandparents and other extended family in such circumstances,[101] whilst some fathers' groups believe that orders for contact restricted to contact centres are abused.[102] 131. We welcome the extra funding which has been found for the provision of additional contact centres. Referral of cases to such centres should be a matter of last resort where there is no other safe way to facilitate contact. A wider range of options such as children's centres and extended schools would provide more opportunities for contact and supervised contact. There

should be greater focus on creative and cost effective solutions, such as those involving grandparents.