

Guidance for Commissioners of Domestic Violence Risk Assessments in Family Law proceedings

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The Payment Annex of the Unified Contract 2007 (Civil), 2010 Standard Civil Contract and Schedule 6 of the Criminal Defence Service (Funding) (Amendment) Order 2011 does not include a category for Domestic Violence Risk Assessor within the Schedule of experts' fees. The following guidance is issued to those who commission expert Domestic Violence Risk Assessments within private or public law proceedings. This guidance is issued to safeguard against the risk that, in the absence of a specified guidance regarding the funding of these assessments, experts may be commissioned who do not possess the requisite expertise for the undertaking of this specialist work.

Context:

In 2004 the Women's Aid Federation of England published "Twenty-Nine Child Homicides: Lessons still to be learnt on Domestic Violence and Child Protection" which described the cases of twenty nine children from thirteen families who were murdered by their fathers during contact.

Following the publication of this report, Lord Justice Wall (2006) and The Family Justice Council (2007) prepared reports for the President of the Family Division. Both reached similar conclusions, with the latter including as a central recommendation that "a process of risk assessment should be undertaken by the court in every case in which domestic violence has been alleged or admitted, before a consent order is made." These recommendations were endorsed within the President's subsequent Practice Directions Residence and Contact Orders: Domestic Violence and Harm issued in 2008 and updated in 2009.

Since 2005 a number of agencies with expertise in working with perpetrators of domestic abuse have developed protocols and processes for expert assessments in the field. In 2010, recognising the need to endorse standards, Respect commissioned a report from Dr Chris Newman, a leading expert in the development of this work in the UK. Dr Newman's report included the key recommendation that "those commissioning domestic violence risk assessments should seek out practitioners who have **applied knowledge** of risk assessment methodology, and the capacity to apply findings from the research literature to the specifics of the case, as well as **experience of direct work** with domestic violence perpetrators and victims." 'Direct work' means working specifically to address domestic abuse and should not be taken to mean any type of work with perpetrators and victims, such as treatment for, or assessment of, mental health issues.

Guidance:

When commissioning domestic violence risk assessments in family law proceedings we advise that commissioners ensure that experts possess the following key competencies as outlined in Dr Newman's report¹:

Knowledge and experience

1. Assessors must be familiar with the dominant themes in the **domestic violence research**; in particular, assessors must have an understanding of the nature and dynamics of domestic violence and its effects on victims and children, and demonstrate this in their assessments.
2. Assessors must have good working knowledge both of the **principles of risk assessment** methodology and of the limitations of existing risk assessment instruments.
3. Assessors must be familiar with the **leading domestic violence risk assessment approaches** (e.g. DVRAG, SARA, DVRAF).
4. Assessors must be familiar with the advantages and limitations of **treatment approaches** for perpetrators, including psychotherapeutic and psycho-educational interventions.
5. Assessors must be familiar with the range of services provided by contact centres, and aware of the **risks to children** and their resident carer associated with both direct and indirect child contact.
6. The assessor should be able to **evidence their expertise** in working with domestic violence offenders, in both assessment and treatment settings.

In order to ensure that assessors possess these criteria it is recommended that commissioners employ the following checklist:

1. The assessor is able to demonstrate at least 4 years' experience of working directly **in the field of domestic violence**. Direct work means working specifically to address domestic abuse and should not be taken to mean any type of work with perpetrators and victims, such as treatment for, or assessment of, mental health issues.
2. The assessor has at least a graduate qualification in a relevant discipline (e.g. Social Work or Psychology) and has successfully completed post-graduate training in a relevant discipline and in domestic violence risk assessment methodology
3. The assessor analyses the court bundle, and in forming an opinion, draws upon multiple sources of information, including interviewing the victim of abuse (the subject of the assessment should never be the sole source of information).

This guidance is supported by the following organisations

AVA, CAADA, Family Rights Group, Imkaan, Respect, Southall Black Sisters, Women's Aid.

¹ All expert risk assessors who are registered on the Respect Directory of assessors will necessarily possess these competencies. <http://www.respect.uk.net/pages/risk-assessment.html>