



# **Cafcass Cymru**

## **Best Practice Guide: The Private Law Reform Investigative Approach 'Pathfinder' Pilot Operational Protocol**

### **DASU, Gorwel & Cafcass Cymru**

Version Published: February 2023  
Review Date:





# Best Practice Guide: The Private Law Reform Investigative Approach '*Pathfinder*' Pilot Operational Protocol between DASU, Gorwel & Cafcass Cymru Version 3 (February 2023)

## Introduction to the Pilot:

The Private Law Reform '*Pathfinder*' pilot has been designed to deliver a reformed and improved Child Arrangement Programme that reduces the re-traumatisation of domestic abuse survivors and enhances the voice of the child in the court process. These pilots are taking place in Bournemouth and North Wales, in which domestic abuse services will play a pivotal role in providing risk assessments and working alongside the operational delivery of the '*Pathfinder*' to aid safer decision making and outcomes for survivors of domestic abuse, as per the recommendations of the report of the '*Harm*' panel.

## Aims:

**Aim 1: Improve Outcomes:** Improve outcomes for all users of the family court, in private law including parent-victims of domestic abuse and their children, ensuring that the voice of the child is heard effectively.

**Aim 2: Reduce Trauma and Conflict:** To reduce the trauma for domestic abuse victims, including children, that may be experienced during proceedings while promoting pre-court and court based non-adversarial, problem solving approaches for all families as far as possible.

**Aim 3: Coordinated Approach:** Better coordinate and integrate responses to domestic abuse and all private law reform objectives recommendations across criminal and family proceedings, including improved information sharing across jurisdictions.

**Aim 4: Streamlined Court Process:** More effective court process and effective targeting of resources to improve efficiency and to reduce rates of order breakdown and returns to court for all proceedings but particularly with criminal and family domestic abuse-related proceedings.

## **1. Process:**

- 1.1 Cafcass Cymru will automatically screen each application and supporting documents for issues of safeguarding, domestic abuse and other forms of harm. Safeguarding checks will be undertaken with the police and social services as standard.
- 1.2 The purpose of the DASH risk assessment is as follows:
  - To inform safety planning for the individual
  - Assess immediacy or risk
  - Be shared with Cafcass Cymru for the outcome to form part of the Child Impact Report, along with other sources of information.
- 1.3 When domestic abuse has been alleged/identified following an application to the court for child arrangements, a referral will be made to DASU or Gorwel, by Cafcass Cymru, who will undertake a DASH risk assessment and offer specialist support post assessment, if required. This referral can only be made where there is consent from the individual. In the event that consent for the referral is not provided, Cafcass Cymru must record the reasons for this as outlined under point 5 of this protocol. It is important that no assumptions are made around consent being refused and the reasons for this should be explored fully, sensitively and with the safety of the individual making the allegations at the centre of Cafcass Cymru's intervention.
- 1.4 Where it appears from the outset from an application or supporting documents that the child or either party is being supported by a domestic abuse service, enquiries should be made at the earliest possible opportunity. This will enable Cafcass Cymru to build an accurate picture from the outset, of the domestic abuse issues for the family and any safeguarding concerns.
- 1.5 Where domestic abuse has been alleged by either party, Cafcass Cymru will offer for there to be a referral to DASU or Gorwel (dependent upon location) and with consent of the party(ies) will use the agreed referral form (appendix 1) where consent has been obtained. NB referrals to DASU and Gorwel are not gender dependent and will be offered to one or both parties if required.
- 1.6 In the event of either party declining to give consent, the reason for this must be recorded by Cafcass Cymru on the electronic case file and the court informed. Consideration should be given to whether Cafcass Cymru needs to prepare a 16a risk assessment and whether other safeguarding measures are required, depending upon the nature of the allegations.

- 1.7 If the party being referred is known to either DASU or Gorwel and is receiving current support, the DASH risk assessment will be undertaken by someone independent who is not involved in the support provision.
- 1.8 In order for there to be timely completion of the DASH risk assessment and avoid delay, Cafcass Cymru will ensure that they will refer by day 15 of the initial application being received by Cafcass Cymru.
- 1.9 DASU or Gorwel will initiate the completion of a DASH risk assessment form with the service user and will aim to do this within 48 hours of receiving the initial referral from Cafcass Cymru. If there are issues around counter allegations, referrals out of area and issues in relations to making contact with the service users the timeline for the completion of the DASH might take longer than 48 hours. In relation to counter allegations the timeline to complete both referrals will be within 7 days. In an instance of a delay outside of these parameters, DASU or Gorwel will notify Cafcass Cymru of the delay. Once completed the DASH will be sent to Cafcass Cymru with a summary in the additional notes section. The summary of its contents will be incorporated into the child impact report (CIR) – it is not routinely disclosed to the court.
- 1.10 DASU & Gorwel will create feedback mechanism if they are unable to engage with service users and be able to report on this regularly throughout the pilot. They will capture the reasons, where known, when disengagement has occurred.
- 1.11 In the event that, following referral, DASU or Gorwel are unable to make contact with the person(s) referred within 72 hours (excluding counter allegation referrals), they will let Cafcass Cymru know. Cafcass Cymru will advise the court.
- 1.12 In the event of agreement to participate in the DASH risk assessment be withdrawn, the reason for this will be made clear on the risk assessment and sent to Cafcass Cymru or the Local Authority, as relevant. This is to ensure that there will be data capture for the reasons engagement in a risk assessment is declined.
- 1.13 Following completion of the DASH, DASU or Gorwel will ensure that all safety and risk concerns are addressed and will refer service users for ongoing support through their standard support channels (e.g., refuge, IDVA, CYP support, community support and so on). If there are immediate safety concerns, DASU or Gorwel will notify Cafcass Cymru of this.

- 1.14 There is an acknowledgement that the DASH risk assessment will be agreed with the service user and a summary will be included in full as an appendix in the Child Impact Report prepared by Cafcass Cymru, however it will not be the only source relied upon to make an evidence-based analysis and provide recommendations to the court.
- 1.15 Cafcass Cymru will retain any DASH risk assessment sent as part of the 'Pathfinder' pilot, in line with its data retention policy. Once received, Cafcass Cymru will be expected to save the DASH risk assessment on the child's electronic case file and mark as 'to be retained', in line with its retention policy.
- 1.16 DASU or Gorwel will ensure that it made clear, ahead of completion of the DASH that it may need to be shared with the court and the other party, who may be the alleged perpetrator. It will be made clear by DASU and Gorwel that there can be no guarantee around confidentiality and ensure that there is clarity given around the role of the risk assessment in the court process.
- 1.17 In the event of agreement to participate in the DASH risk assessment be withdrawn, the reason for this will be made clear on the risk assessment and sent to Cafcass Cymru or the Local Authority, as relevant. This is to ensure that there will be data capture for the reasons engagement in a risk assessment is declined.
- 1.18 In cases where there is ongoing involvement from either DASU or Gorwel and information pertaining to the level of risk or harm increases, this will be shared with Cafcass Cymru. This sharing of information does not replace any existing procedures in place for DASU or Gorwel to action immediate safeguarding of an adult or child.
- 1.19 In cases where a DASH risk assessment is required, however the party does not reside in North Wales, it is agreed that the relevant organisation will undertake the DASH as per this process. DASU or Gorwel will not however, provide any ongoing support or additional services over and above the DASH risk assessment, for any party who resides outside of their respective geographical service provision boundary.

## **2. Monitoring and Ongoing Liaison:**

- 2.1 DASU & Gorwel will ensure all data is kept on their case management system as per organisation's policies.
- 2.2 DASU & Gorwel along with Cafcass Cymru will meet once a month in the first 6 months of the pilot to monitor the referrals and address any issues that have risen from the pilot. These meeting will then move to bi-monthly after 6 months. An invitation will be extended to local authority representatives, should this be required. Cafcass Cymru will set up the meetings and will ensure that a Practice Manager is available to attend on each occasion. DASU & Gorwel will ensure attendance from their respective organisations for each meeting.
- 2.3 Any immediate concerns should not wait for the monitoring meetings and should be raised with each organisation if and when relevant.
- 2.4 As outlined in 1.11 above, should either party decide not to participate in the DASH risk assessment, post referral, the incomplete DASH will be sent to Cafcass Cymru with a summary outlining the reasons for non-engagement.
- 2.5 Data reporting on number of referrals, DASH undertaken, and referrals or assessments declined will be captured by DASU, Gorwel and Cafcass Cymru.

## **3. Local Authority Involvement:**

- 3.1 Where the local authority refers parties to either DASU or Gorwel for completion of a DASH risk assessment, they will follow the elements of this process which is relevant to them.
- 3.2 The local authority will use the agreed referral form, and for relevant cases in the event that the Local Authority is the lead agency to complete the Child Impact Report, they will follow above process.

## **4. Application for Full Disclosure of the DASH:**

- 4.1 Any request or application for disclosure of the DASH should be referred to the Court.
- 4.2 The court will consider the application on merit and with regard to the overriding objectives of the pathfinder and the specific circumstances of the case and specifics of the case.
- 4.3 The safety of the child and adult parties will be the court's priority and full consideration will be given to this when considering the application.

4.4 A short delay may arise as a result of the courts consideration of the application to ensure additional safety planning can be implemented and any action taken, which is required to mitigate risk.

## 5. Cafcass Cymru Process:

5.1 If a party accepts our suggestion that they are referred to DASU or Gorwel for a DASH, the FCA will complete the 'pathfinder' referral form and upload it to the Documents section of IRIS with the appropriate Document Type selected (i.e., *DASH-RIC -Request (Applicant)* or *DASH-RIC – Request (Respondent)*). The Document will be given a retention status of 'To Be Weeded'. The FCA will send a link to Business Support, who will then send the completed referral to DASU or Gorwel. In the event that two referrals need to be made due to cross allegations, both separate referrals should be uploaded by the FCA and sent to Business Support to be sent to DASU and/or Gorwel.

5.2 When the response is received from DASU or Gorwel, the DASH will be uploaded by Business Support as a Document to IRIS with the appropriate Document Type selected (*DASH-RIC Response (Applicant)* or *DASH-RIC Response (Respondent)*). The Document will be given a retention status of 'To Be Retained'. When the response is received Business Support will email the link to inform the FCA that it's been returned.

5.3 If the response received from DASU/ Gorwel contains information that the party did not engage with the service a note should be added to the further information of 'DASH Declined', as outlined below. The FCA will need to do this.

5.4 In the event that a party does not give consent for a referral to be made to DASU or Gorwel, or is referred but does not then engage or declines the DASH, Cafcass Cymru will capture this. In addition to being clearly recorded in the CIR, the FCA will record this as a simple case recording as follows:

- Add a Phone Call Case Recording to the case.
- Select - FROM the service user; TO the FCA.
- Enter a subject line of 'DASH Declined'.
- There is no need to add any further detail (you will record details of the discussion in the 'interview' case recording.)

This will allow us to easily report on how many parties have been offered the service but have declined.

**DASU Contact Details:**

Email to use to send referrals: [REDACTED]

Single Point of contact for the referrals: [REDACTED]  
[REDACTED]

Pathfinder Strategic Lead/Manager: [REDACTED]

**Gorwel Contact Details:**

Email address to send referrals: [REDACTED]

Single point of contact for referrals: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Backup to cover leave/absences:

[REDACTED]  
[REDACTED]

Pathfinder Strategic Lead/Manager: [REDACTED]  
[REDACTED]

**Cafcass Cymru Contact Details:** [CAFCASSCYMRUNorthWales@gov.wales](mailto:CAFCASSCYMRUNorthWales@gov.wales)