

JUSTICE COMMITTEE

CHILDREN (SCOTLAND) BILL

SUBMISSION FROM RELATIONSHIPS SCOTLAND

Specialist Risk Assessments

Summary of Key Issue

Relationships Scotland believe that Scottish Courts should have the option of asking for a Specialist Risk Assessment in family cases where there are allegations of domestic abuse. This will help the courts ensure that child contact orders are only made when it is safe to do so.

Introduction

Further to the Justice Committee's request at the evidence session on 14 January 2020, Relationships Scotland is pleased to provide further written evidence in relation to Specialist Risk Assessments in family cases where there are allegations of domestic abuse.

As previously indicated, we are disappointed that the promotion of domestic abuse risk assessments was not mentioned in the Bill, the Family Justice Modernisation Strategy (FJMS) or on Annex B of the FJMS: List of areas consulted on but not taken forward.

We are strongly of the view that specialist risk assessment should be undertaken where concerns about safety of children or adults are raised. This should be part of the process of protecting victims of domestic abuse, which includes children, and ensuring information is communicated effectively between civil and criminal courts.

Specialist risk assessments help sheriffs and other professionals make safe decisions when there are historic or current domestic abuse allegations and uncertainties about the extent, severity and nature of the actual and alleged abuse. Levels of hostility, conflict and fear need to be fully understood and a complex pattern of intersecting risk concerns needs to be assessed. The aim of a specialist risk assessment is to provide the information for the professionals making decisions about or managing the case to be able to identify strategies for risk management and to make decisions about child and non-abuser safety. A recommendation is given on how to proceed that is realistic, takes into account local resources, and is matched to the level of risk identified.

Specialist risk assessments follow best practice in the field and they include information from the non-abuser and draw on multiple sources of information to establish the presence of risk indicators. Statements about risk are contextualised and fitted alongside assessments of non-abuser impact and risk of harm to children from domestic abuse in all its forms, and the potential for future harm. This includes consideration of factors such as impairment of parenting capacity, the child's need to recover from traumatic experiences or the abuser protracting proceedings as a means of maintaining control over or further persecuting the non-abuser. These reports are undertaken by appropriately trained and qualified workers who are fully aware of the dynamics and impact of domestic abuse.

Our view is that a pilot to progress and evaluate the use of these Reports, to ensure contact arrangements for children proceed safely and positively, should be commissioned. This would sit well with the Safe and Together approach of ensuring good decisions are made for children, and would provide evidence to input to further discussions.

Safe Contact Agreements and Domestic Abuse Child Safety Reports

It is important that there is a mechanism to help Sheriffs and other professionals to make safe decisions when:

- There is historic or current domestic abuse allegations
- There is high conflict between the two adult parents
- It appears as if both parents are using tactics or abuse
- There are allegations and counter allegations

There are two tools which can help decision makers and case managers – the Safe Contact Agreement and the Domestic Abuse Child Safety Report

What are the reports?

There may be times when a professional such as a Sheriff, a Child Welfare Reporter, a Safeguarder, Children’s Panel or a social worker is struggling with contact issues for children when there is a pattern of perpetrator abuse against a parent.

- There is historic or current domestic abuse allegations
- There is high conflict between the two adult parents
- It appears as if both parents are using tactics or abuse
- There are allegations and counter allegations

Given the above circumstances a report may be helpful for professionals involved in making decisions about children and contact. This is a short guide laying out advice and guidance for when a professional including the court may consider requesting:

1. A Safe Contact Agreement
2. A Domestic Abuse Child Safety Report

A Safe Contact Agreement

The Safe Contact Agreement is prepared by a professional who is trained to provide such an agreement, and who has significant experience working with families affected by domestic abuse.

- It is not mediation and it does not bring parties together
- Both parents/parties will be met separately and their views will be sought
- Wherever possible the children’s views are sought
- With consent, information and views may be sought from third parties, like professionals and/or family members

The report consists of:

- A summary of the identified issues
- An outline of the possibilities for child contact
- A risk assessment which takes into consideration the safety of all parties
- A signed Safe Contact Agreement

The agreement may involve recommendations about times of contact, places of handovers where contact might happen, use of contact centres and third parties, and timescales for review.

Domestic Abuse Child Safety Report

There are two occasions when a Domestic Abuse Child Safety Report (DACSR) may be requested.

1. There is a recommendation from the writer of the Safe Contact Agreement that risk is high and that contact may not be safe given the current information. A DACSR could explore the risk and provide an assessment regarding child safety.
2. When the court or other professional requests that a DACSR is completed due to concerns about historical or ongoing domestic abuse or other factors.

The other factors may be:

- Uncertainties about the extent, severity and nature of the actual and alleged domestic abuse.
- Levels of hostility, conflict and fear expressed that need to be more fully understood and addressed.
- A complex pattern of intersecting risk concerns (e.g. history of violence, substance misuse, non-violent criminal activity, and mental health concerns).

The DACSR should follow best practice in the field of violence risk assessment; which means they should include information from the non-offending parent, draw on multiple sources of information about the subject's background to establish the presence of risk indicators that have a demonstrated relationship to violent behaviour. Statements about risk need to be contextualised and fitted alongside assessments of impact and risk of harm to children. The report will consider historical, current violence and the likelihood of further violence but also the impact of coercive control, sexual, psychological, emotional and financial abuse on the victim and on the children. The report should be aware of the impact on children of exposure to domestic abuse in all its forms, and the potential for future harm.

The DACSR will gather information from a wide range of sources for analysis by a specialist who can come to conclusions based on an accountable knowledge and theory based effective practice. The aim of the DACSR is to help the professionals making decisions about or managing the case to identify strategies for risk management and to make decisions about child and victim safety. These strategies and decisions should be realistic, take into account local resources, and matched to the level of risk identified. Gather information from a wide range of sources and for analysis by a specialist who can come to conclusions based on an accountable knowledge and theory based effective practice

The overwhelming consensus in the field is that violence risk assessment should be based on an analysis of empirically-derived risk indicators derived from multiple sources of information about the subject's background not just the meeting of the parties involved.

The DACSR is based on:

- Interviews with both parents
- Meeting with the child
- Using third party information:
 - social work case notes and reports
 - police call out information
 - criminal record information
 - medical information
 - other appropriate information from other third parties

The court will need to provide an interlocutor to allow this third party information to be accessed by the report writer. The interlocutor should give permission to access social work records held by the local authority, medical records held by medical professionals, criminal record information and information held by the police. The records should be for the parents and the children involved.

The DACSR:

- Strengthens decision-making about placement and visitation of children to increase the safety of children and the non abusive parent or care giver
- Assesses the risk posed by perpetrators to lessen perpetrator-generated safety threats to children and victim parents
- Analyses the extent to which the child has been exposed to domestic abuse in all its forms and the potential for future harm, including factors like:
 - impairment of parenting capacity
 - the child's need to recover from traumatic experiences
 - the abuser protracting proceedings as a means further persecuting the victim
- Review whether the perpetrator can be accountable in ways that promote safety and compliance with a contact and residency orders
- Evaluate if there are treatment options to enhance perpetrators' capacity to change

The DASCW writers have specific skills, training and expertise in working with domestic abuse and have been trained by an accredited trainer in preparing these reports. The reports use the Domestic Violence Risk Assessment Framework as a guide for preparing the report. They draw on best practice, such as the Safe and Together model. Writers are given supervision and consultancy by a professional who is recognised as an expert in the field of Domestic Abuse Risk Assessment.

Further Information on Specialist Risk Assessments

Relationships Scotland understands that further information on Specialist Risk Assessments could be sought from an Independent Social Worker and Specialist Assessor, who is qualified to undertake such assessments. Contact details for this person have been provided to the Justice Committee Clerk.

Relationships Scotland
23 January 2020