Practice Direction 12J

What is the experience of lawyers working in private law children cases?

Report of a survey conducted in the South-East of England August - October 2019

Professor Michelle Lefevre and Dr Jeri Damman

Department of Social Work and Social Care, University of Sussex

Conducted in partnership with the Quality Circle, Kent and Sussex FLBA, and East and West Sussex Resolution

11th February 2020

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Method

An online survey was conducted in the South-East of England between August and October 2019 by the University of Sussex working in partnership with the Quality Circle, Kent and Sussex FLBA, and East and West Sussex Resolution. The research was unfunded. The questionnaire, administered to practising lawyers, explored participants' experience of domestic abuse and/or coercive control (DA/CC) cases related to the adoption of Practice Direction 12J (PD12J) across family court tiers, special measure applications, evidence-gathering in disputed allegations, and court delays.

Respondents

88 respondents began the survey and 66 respondents completed all responses. All respondents were lawyers working in private law children cases in Kent and Sussex. Most worked predominantly with children and families. DA/CC issues were present in at least half of their cases.

Key findings

***Allocation of Tier*:** Tier 1 (family magistrates) reportedly deal with the majority of DA/CC cases. This compares with one-quarter of cases being dealt with at Tier 2 (district judges) and none or almost none at Tier 3 (Circuit Judges). Respondents with the most DA/CC experience thought that half or more of their cases were *not* allocated to the appropriate tier.

Adherence to PD12J: Pockets of good practice were thought to exist across court tiers but further work is needed to apply PD12J guidance consistently in court practices and ensure that processes and outcomes are beneficial for participants. Adherence to PD12J was lowest at Tier 1, better at Tier 2, and strongest at Tier 3. Concerns were expressed in particular regarding the capacity at Tier 1 to manage the complex nature of DA/CC cases; this was linked to perceived limitations in magistrates' understanding of the insidious nature of DA/CC and knowledgeability of law relevant to DA/CC.

Special measure applications: These appeared to be underutilized, being only made in a minority of cases. Applications most usually included a combination of measures such as screens and separate waiting areas or exits, and the prevention of direct questioning by the alleged perpetrator. Occasionally, physical attendance was excused (with instructions permitted to be made by phone), and witnesses could be anonymised. There was inconsistency as to whether arrangements were agreed prior to the hearing when special measure applications had been made. While half the respondents reported that special measures were generally arranged in advance and were available for when the alleged victim arrived at court, this was not the case for one-third. Participants noted the lack of special arrangements could cause significant fear and distress for the victim. Cross-examination of victims by the perpetrator or their counsel, in particular, was seen to have had substantial adverse effects on victims' sense of safety and could be further traumatising.

Fact finding processes: Respondents reported that Form C1A was generally completed but often not sufficiently well drafted to the equivalent of Scott Schedule. Responses to C1A were not necessarily received. There was variability in court directions. A direction for fact finding in disputed cases was the most common, but this was rarer in welfare hearings or when there was judged to be sufficient admission in disputed cases. Some courts were perceived to have antipathy to a fact finding by the court, and the absence of a fact finding in a prior hearing could make a current hearing more problematic. Only half of respondents felt that the reasons for determining that a fact

finding hearing was unnecessary were sufficiently recited in the order. Where there had been an admission of DA/CC, fewer than half the respondents reported this to be sufficiently recorded on or or in schedule to the order.

Why disputed cases are challenging: Disputed cases were described by respondents as being complex to comprehend and manage. Some challenges related to limitations of victim recall in relation to alleged DA/CC, perceived inconsistencies with statements and disclosures and spurious allegations. Respondents also attributed difficulties to inadequate understanding on occasion of DA/CC knowledge on the part of the court, with particular reference made to magistrates and CAFCASS. Concerns were expressed about magistrates not always having received sufficient training to understand the nebulous and contested nature of allegations, the insidious and hidden nature of coercive control, and the impact of living with DA/CC. Findings suggest this could result in the court paying insufficient attention to the wellbeing and safety of alleged victims and any children. Examples were given of courts disclosing confidential details and allowing the alleged perpetrator to flex power. Inadequate or inappropriate fact-finding assessments and recommendations were thought to have been made by CAFCASS in a substantial minority of situations; some recommendations were perceived to be unclear or unsafe for victims and/or children.

Interim contact arrangements: Just one-quarter or fewer of interim contact applications by the alleged perpetrator were refused, with the court seeming to apply a presumption in favour of direct contact, even where this was distressing or frightening to the child, who might be exposed to an alleged perpetrator's aggression and threats. However, where interim contact was agreed this was more often supervised rather than unsupervised or supported. Clear CAFCASS recommendations on interim contact were provided in at least half of cases, but this left a substantial proportion where this was not the case.

Court delays**:** The majority of respondents reported frequent delays. Some delay was seen as inevitable and necessary, as the fact finding process and achieving resolution between parties were time consuming. However, some delays were believed to relate to inadequacies in the court process, such as poorly managed prior hearings and insufficient understanding of DA/CC by the court (examples were given of coercive control needing to be explained to the court during the hearing by lawyers). Regardless of reason, delays were perceived as having a substantial adverse effect on families. Alleged victims were reported to feel let down and victimised by the court process, losing confidence, becoming fearful, and being re-traumatised. Where allegations were not dealt with speedily, those subject to spurious allegations were left in limbo for lengthy periods without contact with their children. The children similarly missed out on contact, potentially damaging the relationship with that parent and affecting their own welbeing in the process.

Impact on families: Where special measures were not arranged in advance and not available for when the alleged victim arrived at court, respondents reported significant fear and distress for the victim. Where magistrates had insufficient understanding of the mechanisms of coercive control and the impact of living with DA/CC, the court processes did not necessarily pay attention to the wellbeing and safety of alleged victims and any children. The disclosure of confidential details, the empowerment of the alleged perpetrator, and victim cross-examination by the perpetrator or their counsel had substantial adverse effects on victims' sense of safety and could be further traumatising. Inadequate or inappropriate fact-finding assessments and recommendation were thought to have been made by CAFCASS in a substantial minority of situations**,** including recommendations perceived as being unclear or unsafe for victims and/or children, regarding contact or residence. who also missed out. Where allegations were found to be spurious, alleged

perpetrators also suffered adverse effects, as did children who missed out on contact with that parent, with likely damage to the relationship and their own welbeing in the process.

Conclusions

Pockets of good practice clearly exist across court tiers but further work is needed to apply PD12J guidance consistently in court practices, particularly at Tier 1, and ensure that processes and outcomes are beneficial for participants. Form C1A needs to be sufficiently well drafted to the equivalent of Scott Schedule and should always receive a timely response. Where special measures have been applied for, these need to be agreed and in place prior to the hearing. Where an admission of DA/CC is made this should be sufficiently recorded on or or in schedule to the order. Where allegations are disputed, careful consideration should always be given (including in welfare cases) to whether a fact finding is needed. Where a fact finding is deemed unnecessary, this must be sufficiently recited in the order.

The use of Tier 1 for these complex DA/CC cases is thrown into question by this survey. There appears to be evidence (from lawyers) that magistrates in this region are not consistently able to understand the mechanisms of coercive control, the impact on victims, and how to manage risk. A clear training and development need is identified here which should be addressed speedily, to ensure victims and children are not further traumatised, or placed at risk from the abuser. However, the respondents of this survey go further, suggesting that such cases should be dealt with by at least Tier 2. We would suggest there is further discussion of this matter locally.

Delays have a substantial adverse effect on families and should be addressed where possible. When making interim contact arrangements, careful consideration should always be given as to whether direct contact might be distressing, frightening or dangerous to the child, and whether indirect or supervised contact, or no contact should be directed. The child's wishes, feelings and perspectives must be sought directly in considering this, elicited through sensitive and child-centred direct work[1]. Where children are pre-verbal, careful observation of the child's demeanour, behaviour and relationships in various contexts should be made as this can offer important insight into the child's views and experience[2].

Compliance with PD12 needs to be further monitored and evaluated over time. This survey could be repeated in a year following the distribution of these findings to see if there are any changes.

As these findings are drawn from a survey of lawyer's experiences and perceptions, we would recommend that further (funded) research is commissioned to provide a fuller picture of local practices. Methods could include: an audit of cases where there have been lengthy delays or other problems to determine reasons; ethnography – observing the court process in action interviews with alleged victims about delays, special measures, contact arrangements, and felt safety; interviews with perpetrators where spurious allegations were made; interviews with children about interim contact arrangements; interviews with magistrates and judges.

There are potential implications for other areas of the country from these findings. We would suggest this survey be conducted in other regions to determine the extent to which some of the findings, such as the quality and up-take of training of magistrates, are local issues, or whether

[1] Dept. for Education (2018) *Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children* https://www.gov.uk/government/publications/working-together-to-safeguard-children--2
[2] Lefevre, M. (2018) *Communicating and Engaging with Children and Young People: Making a Difference*. Bristol: The Policy Press, 2nd Edition.

issues are systemic or universal, e.g. that the complexity of these cases means that they would be dealt with better by judges.

Recommendations

Recommendation 1: Discussion by the courts and lawyers in the Quality Circle, Kent and Sussex FLBA, and East and West Sussex Resolution, regarding how to monitor compliance with PD12 locally, particularly at Tier 1. An action plan should be put into place.

Recommendation 2: Training on the mechanisms and impact of DA/CC, and risk assessment, decision-making and management of complex and contested situations, should be provided to magistrates, judges and CAFCASS workers in Kent and Sussex in the near future.

Recommendation 3: Discussion by the courts and lawyers in the Quality Circle, Kent and Sussex FLBA, and East and West Sussex Resolution, regarding whether contested DA/CC cases should go to Tier 2 as a minimum.

Recommendation 4: Courts are urged to accelerate the process of fact finding hearings and completion of CAFCASS reports.

Recommendation 5: Direct work by CAFCASS should be of sufficient depth and quality to ensure that the child's experience and perspective are brought to the court and made a central consideration in any directions.

Recommendation 6: DA/CC victims should be provided with a feedback route on their court experience, particularly where victims are re-traumatised/victimised or placed at increased risk by the Courts.**Recommendation 7**: Repeat of the survey in March 2021 to measure improvement.

Recommendation 8: Consideration given by the commissioners of this survey to applying for funding to commission more in-depth research which would provide a fuller picture of local practices.

Recommendation 9: The findings from this survey should be publicised to enable other regions to take findings and recommendations into account and to consider conducting their own survey.

2. Introduction & Background

Practice Direction 12J Family Proceedings Rules 2010 was revised and came in to force in October 2017. The aim of the Practice Direction is to guide courts, CAFCASS and practitioners in cases that involve domestic abuse and/or coercive control (DA/CC). The Sussex Family Justice Quality Circle (FJQC), Kent and Sussex FLBA, and East and West Sussex Resolution wanted to establish how this regime is working so formed a partnership with the Department of Social Work and Social Care at the University of Sussex to conduct a study. The research was unfunded.

An online survey was developed which addressed the following research questions:

1. How has the PD12J been adopted across family court tiers and to what extent?
2. What is the prevalence of special measure applications and how are these managed by courts?
3. How are courts managing and resolving the problems of evidence-gathering and disputed allegations in contested and complex family dynamics?
4. What is the prevalence of court delays and how do these impact DA/CC cases?

This report presents study methods and findings and concludes with a summary of key findings.

3. Methods

An online survey was the sole data collection method. Survey questions were developed jointly by Prof. Michelle Lefevre and Richard Ager, Barrister and Joint Chair of Kent and Sussex FLBA, with support from other members of the FJQC. The survey comprised nineteen questions exploring respondents' experience of DA/CC cases related to the adoption of PD12J across family court tiers, special measure applications, evidence-gathering in disputed allegations, and court delays. Seventeen questions were primarily Likert-scale questions asking respondents to provide information on the general proportion of their DA/CC cases in which the particular issue or experience was present. The final two questions were open-ended and invited respondents to provide detailed responses about their experience with one DA/CC case over the past year and any additional information respondents would like to share.

Ethical approval was provided by the University of Sussex.

Qualtrics, a web-based survey programme, was used to collect responses anonymously. Data was collected during a two-month period (28.8.19 to 4.10.19). An invitation to participate and the link to the survey was sent by Richard Ager to all lawyers working in private law children cases in Kent and Sussex. Informed consent was established via Qualtrics and in advance of survey questions.

The authors of this report – two researchers based at the University of Sussex – were responsible for data analysis. Descriptive analysis was conducted on the first seventeen questions. The qualitative data from the two open-ended questions were subjected to thematic analysis[3] coded independently by the researchers, using Nvivo 12 (qualitative data analysis software).

4. Findings

The presentation of findings begins with data on the respondents completing the survey. Findings are then presented according to each of the four research questions. This section concludes with

[3] Following Braun, V. and Clarke, V. (2006) Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3 (2). pp. 77-101.

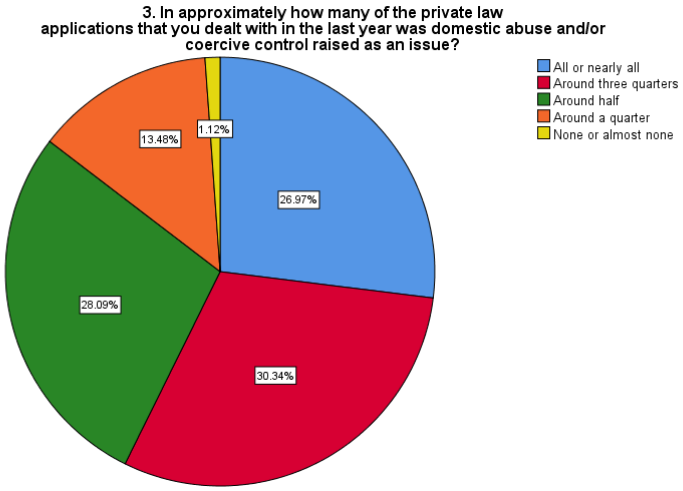
respondents' recommendations. Each section begins with a brief summary of quantitative findings followed by qualitative findings.

88 respondents began the survey and 66 respondents completed all responses. The number of eligible participants is not known so the completion rate cannot be ascertained.

Respondents

Of respondents completing all or some of the survey, 85% of respondents reported that family and children work comprised the majority, if not all, of their work. However, there was more variation in experience with private law applications, with most respondents (54%) reporting involvement with a small number of cases and just under half of respondents (46%) managing a substantial number ('large, too many to count') of private law applications in the past year. Domestic abuse and/or coercive control (hereafter DA/CC) issues were prevalent across the caseloads of respondents with 85% reporting these issues to be present in half or more of their private law applications (Figure 1).

Figure 1: DA/CC cases as a proportion of respondents' caseload



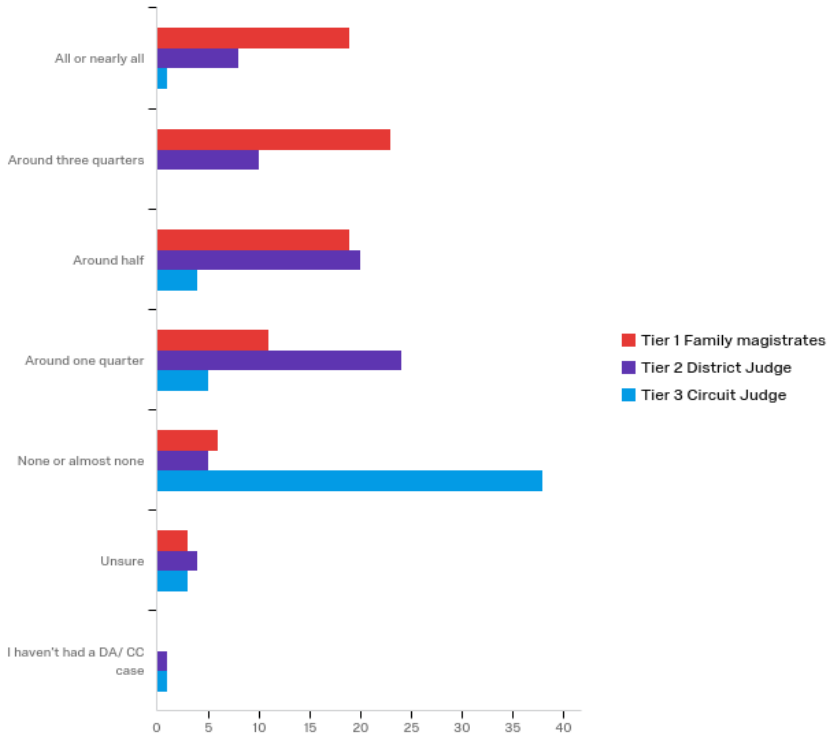
How has PD12J been adopted across the tiers of the family court and to what extent?

Respondents were asked to which tier their cases involving DA/CC were generally allocated for FHDRA and whether they felt cases were allocated to the appropriate tier. Respondents were also asked their view on the extent to which PD12J was followed in DA/CC cases.

Tier allocation of DA/CC cases

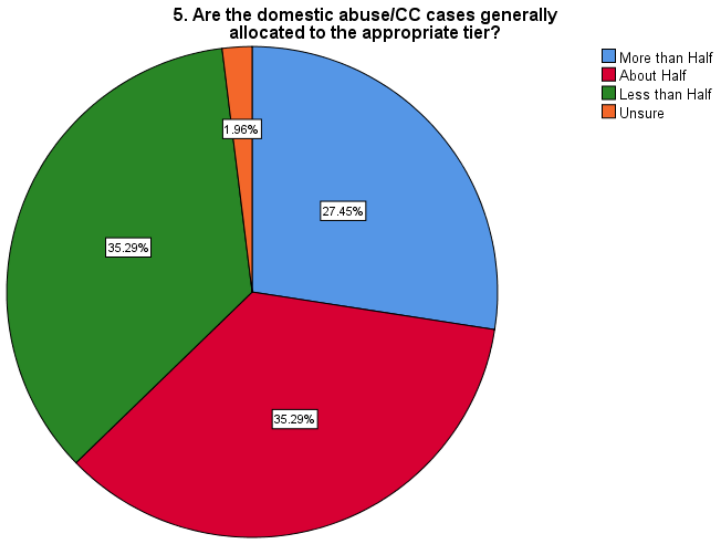
Fifty-one percent of respondents reported that Tier 1 (family magistrates) deal with most or all of their DA/CC cases, compared to 25% at Tier 2 (district judges) (see Figure 2). Most respondents (73%) reported that none or almost none of their DA/CC cases are allocated to Tier 3 (Circuit Judges).

Figure 2: Proportion of DA/CC cases with FHDRA allocation by tier



Data analysis extracted responses from respondents with the most DA/CC case experience[4] only to examine whether these more experienced respondents felt cases were allocated to the appropriate tier (Figure 3). The majority of these respondents (71%) reported that only half or less than half of cases were allocated to the appropriate tier.

Figure 3: Proportion of DA/CC cases allocated appropriately to tier

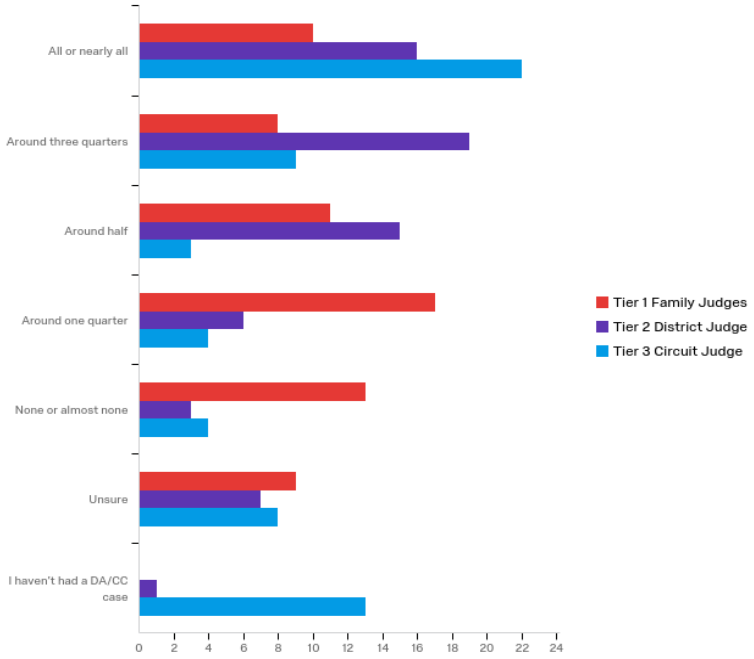


[4] Most experienced respondents were those who reported that all or nearly all of their private law applications in the past year included DA/CC issues.

PD12J Adherence

Respondents reported that the adherence to PD12J varied by tier (Figure 4). At Tier 1, only 26% of respondents reported that PD12J was followed the majority of the time (all, nearly all, or three-quarters) but this increased to 52% of respondents at Tier 2, and 49% of respondents at Tier 3.[5]

Figure 4: Proportion of cases in which PD12J was followed by tier



Qualitative responses provide additional information from sixteen participants on tier-related issues reported by respondents. Respondents' comments relate to their perception of insufficient skill and understanding at specific tiers as related to the issue of DA/CC, relevant DA/CC law, and the management of DA/CC case complexity in courts.

> Respondent 1-A: *I do not believe that lay magistrates have the training and legal knowledge to hear cases involving DA and that all fact finds should be allocated to a district judge. I had a case…where after…a lengthy argument in court where CAFCASS felt strongly that a fact find was necessary, the magistrates tried to reverse the position in order to save court time without any thought for the impact on the case.*

> Respondent 2-A: *The majority of FHDRAs are now listed before Tier 1 and in my experience the bench often struggles to fully understand the case management decisions they are required to make and the implications of them for the case and the family involved. In particular, when allegations of domestic abuse are made, there is little understanding of the possibility that they can be dealt with at either a separate fact finding hearing, or in a rolled up welfare/fact-finding hearing at the end of proceedings…This is also the case to a lesser extent before some Tier 2 judges.*

> Respondent 3-A: *I have assisted on a case in the…family court which has been shocking in the complete failure of the Magistrates, legal adviser and CAFCASS to understand and apply 12J…I was left deeply worried about the approach of this tier, particularly as most parents are unrepresented and would not know the extent to which the Court is making fundamental errors in law.*

[5] Tier 3 findings included a high number of respondents reporting no DA/CC cases at Tier 3 (21%). Therefore, if these cases were removed from analysis 62% rather than 49% of respondents reported that PD12J was followed the majority of the time (all, nearly all, or three-quarters).

> Respondent 4-A: *…it is difficult for Magistrates to truly understand the impact of coercive and controlling behaviour, and often because the perpetrator can come across as charming to all outsiders… they did not seem to understand that acquiescence from the victim [does not mean] 'it is not so bad' rather than the extreme lack of self-esteem and fear that exists.*

CAFCASS related issues

In addition to tier related issues, qualitative responses provide further information on challenges with CAFCASS, specifically related to inadequate-inappropriate fact-finding and assessments, and recommendations perceived as unclear or unsafe.

The following quotes reflect respondents' concerns about the fact-finding and assessment process:

> Respondent 1-B: *In this case CAFCASS appeared to be anticipating the approach of their local Magistrates and failed to apply even their own toolkits in providing any analysis of risk.*

> Respondent 2-B: *CAFCASS Officers don't have a full understanding of the need for facts to be established before things like sexual risk assessments are completed…*

> Respondent 3-B: *The CAFCASS assistance officers stationed at courts have, at times, complicated the matter by raising issues that were not issues prior to them meeting with the clients…*

Responses also indicate some concern with CAFCASS recommendations that were vague or potentially risky for DA/CC victims, including children:

> Respondent 4-B: *…it would be helpful if CAFCASS were more specific in their recommendations at FHDRA about interim contact and the reasons why. Too often they don't give specific reasons.*

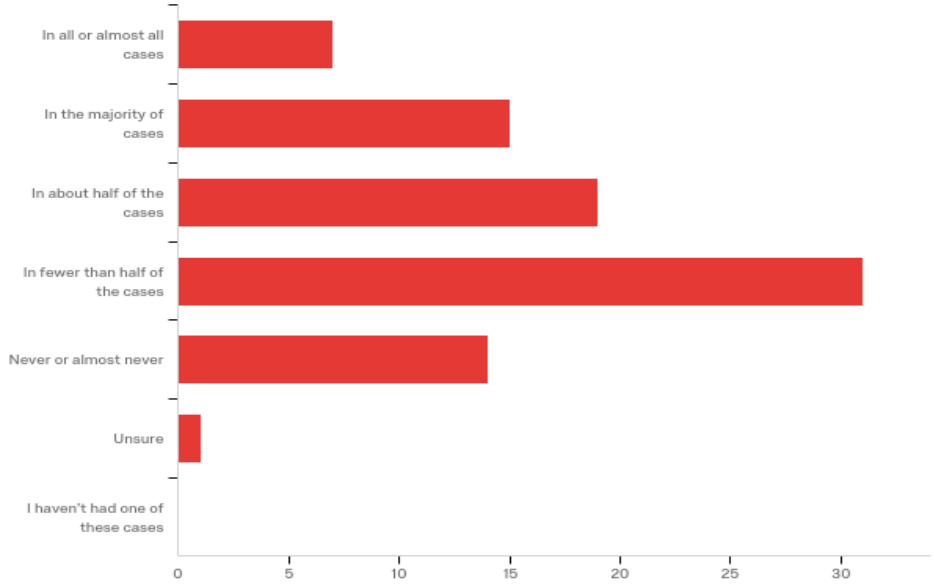
> Respondent 5-B: *…It is a frequent occurrence that CAFCASS 'sit on the fence' in relation to interim contact and safeguarding letters contain comments such as 'parents must agree interim arrangements', or 'parents must agree a suitable third party to supervise' when they know that the parents do not agree on this point and some guidance is needed.*

> Respondent 6-B: *A case of serious domestic violence in the presence of the parties very young daughter. CAFCASS did not appear to consider Practice Direction 12J when preparing their report and recommendations and did not refer to it. Their recommendations were for contact to be supervised for 6 months with a view to contact moving to unsupervised in 6 months, despite the regular injuries mother had suffered at the hands of father. Their daughter had been exposed to father's threats to kill, threats of violence and aggression.*

What is the prevalence of special measure applications and how are these managed by courts?

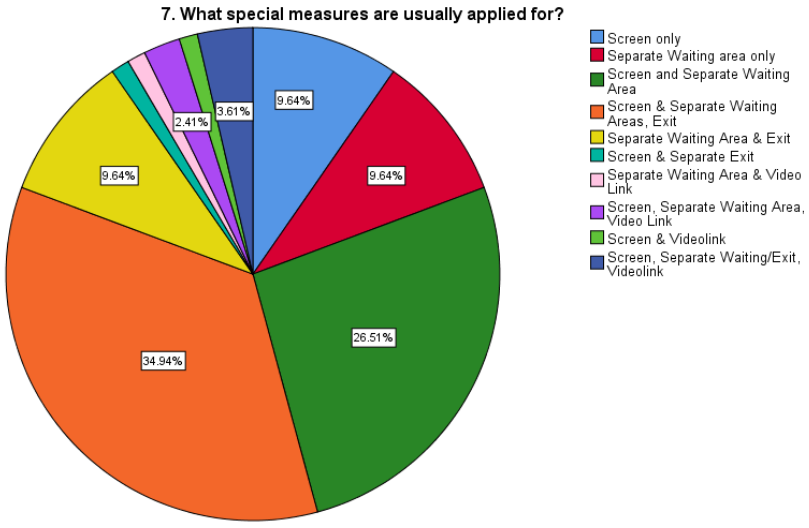
Findings indicate that special measure applications are made in only a minority of cases with 36% of respondents reporting applications in fewer than half their cases and 16% reporting never or almost never (Figure 5). Only 25% of respondents indicated that applications were made in all, almost all, or the majority of cases.

Figure 5: Proportion of special measure application by alleged DA/CC victim



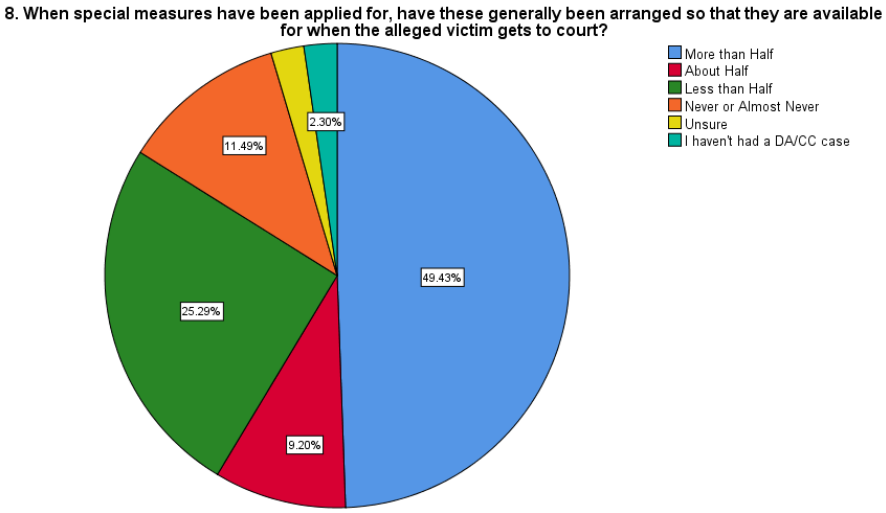
When special measures are applied for, these are varied and usually include a combination of measures such as screens and separate waiting areas or exits (Figure 6). Some respondents reported additional special measures including the prevention of direct questioning by the alleged perpetrator (questions put by the judge), physical attendance excused and instructions by phone available, and anonymization of a witness.

Figure 6: Types of special measure applications



Respondents were inconstant in views about special measure arrangements being in place when needed. Forty-nine percent of respondents indicate that special measures are generally arranged in advance in the majority of, if not all, cases and are available for when the alleged victim arrives at court. However, 36% of respondents indicated that in their experience this was done in less than half of cases, almost never, or never (Figure 7).

Figure 7: Proportion of special measures arranged prior to victim's court attendance



Challenges with Special Measure Implementation

Qualitative responses provided additional depth of understanding of the challenges related to the implementation of adequate special measures. Respondents indicate process-related issues in arranging special measures in advance and when needed by victims:

> Respondent 1-C: *I have never seen a client receive any information in advance about using a separate entrance, so they have to go in via the main entrance where they are very likely to run into their alleged abuser, they are then required to sign in with the relevant usher who is normally near the Court they will be in, so again it is quite likely they will be seen by the alleged abuser. It is then up to them and their advocate to go and find a conference room elsewhere and given that there are always an insufficient number of conference rooms, it is often necessary to sit in an open waiting area which does not provide reassurance.*

> Respondent 2-C: *Special measures are haphazard-usually the court sorts it out on the day. The screens and the court room are hard to arrange, and more thought needs to be given to this. Separate waiting areas are impossible in some courts.*

In addition to the practicalities of putting special measures in place, some respondents reported poor practices that run counter to the purpose of special measures:

> Respondent 3-C: *Mother [was] directed to attend a Pre-Trial Review hearing despite [a] support letter from [the] refuge stating high risk father or his associates could follow her home and asking for her attendance to be excused and instead to give instructions by phone. Previous orders had excused her from procedural hearings and FHDRA. Each time she had given instructions successfully by phone. Attending court caused mother significant fear and distress for what was a procedural/directions hearing and her input was not required.*

How are courts managing and resolving the complexities of evidence-gathering and disputed allegations in contested and complex family dynamics?

Respondents were asked their views on how many of their DA/CC cases generally have a Form C1A completed and response, and whether these are sufficiently well drafted to the equivalent of Scott Schedule.

The majority of respondents indicate that the majority of DA/CC cases have a completed Form C1A (Figure 8). Form C1A responses were less common (Figure 9) with respondent views varying widely

from C1A responses in all cases (18% of respondents) to no cases (22% of respondents). Respondents indicated that these forms were generally not equivalent to Scott Schedule (Figure 10) with 40% of respondents indicating no cases and 29% of respondents reporting less than half of their cases were equivalent.

Figure 8: Proportion of DA/CC cases with completed Form C1A

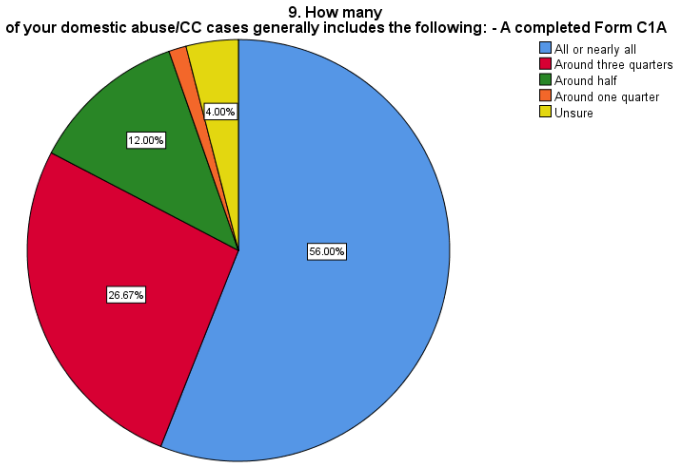


Figure 9: Proportion of DA/CC cases with Form C1A response

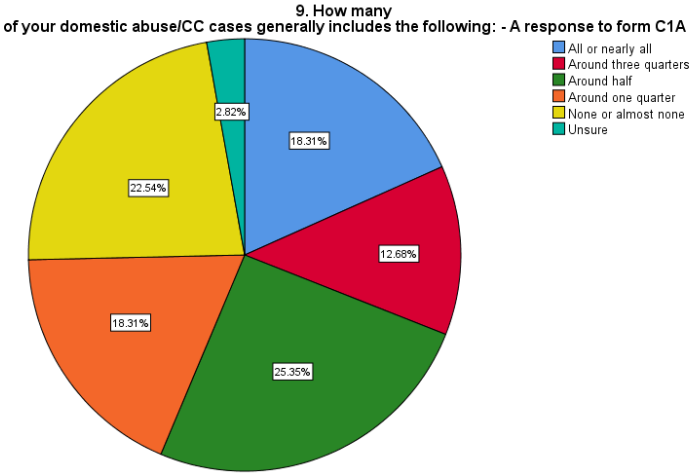
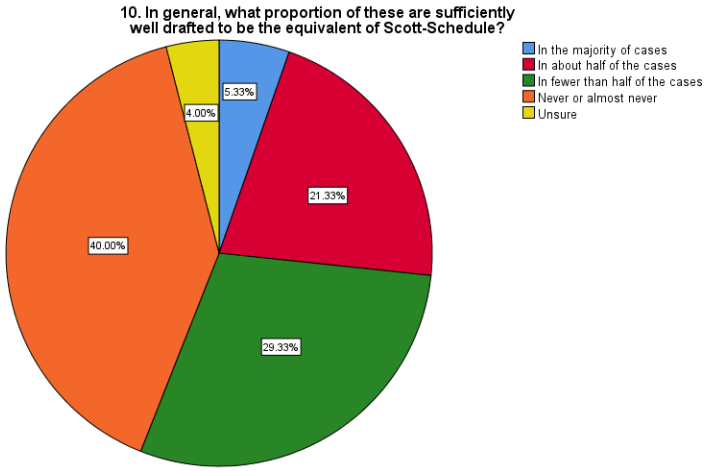
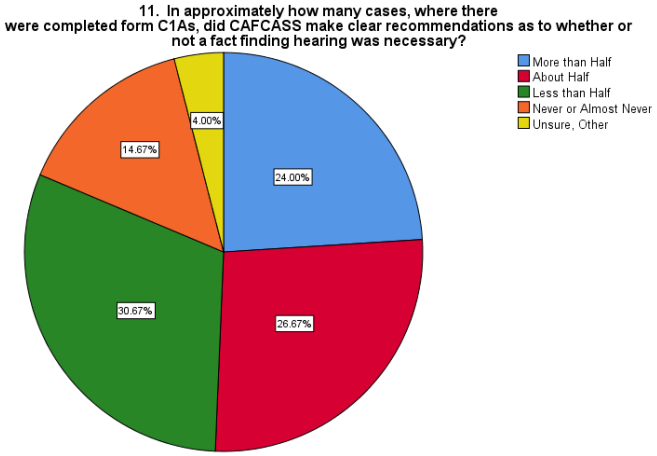


Figure 10: Proportion of DA/CC cases with completed Form C1A equivalent to Scott Schedule



Respondents were asked about the proportion of cases that had clear CAFCASS recommendations on the necessity of a fact finding hearing in DA/CC cases with a completed Form CF1A. Results indicated varied experiences (Figure 11) ranging from clear CAFCASS recommendations in more than half of cases (24% of respondents), about half of cases (27%), and less than half of cases (31%).

Figure 11: Proportion of DA/CC cases with Form C1A with clear CAFCASS fact-finding hearing recommendations



Respondents were asked about directions that were generally made where there were disputed DA/CC allegations, such as fact finding, fact finding alongside welfare hearing, no fact finding due to sufficient admission, and fact finding not required.

Respondents indicated that directions were not consistent across cases with few indicating particular directions in more than half of their cases. Fact finding in disputed DA/CC cases was the most common (Figure 12) with respondents reporting this direction in half of cases or more (67% of respondents). However, this was much less common to be directed alongside a welfare hearing (Figure 13) with 75% of respondents indicating that this occurred in less than half of cases, almost never, or never. Respondents also indicated that no fact finding on the basis of sufficient admission (Figure 14) in disputed DA/CC cases was less common with the largest proportion of respondents reporting this outcome in less than half (47% of respondents) or never/almost never (28% of respondents). Findings indicate that the majority of respondents do not have a high proportion of disputed DA/CC cases where fact finding is not required more generally (Figure 15) with 18% indicating this occurs in about half of DA/CC cases and 56% in one quarter of cases.

Figure 12: Proportion of disputed DA/CC allegation cases with fact finding direction

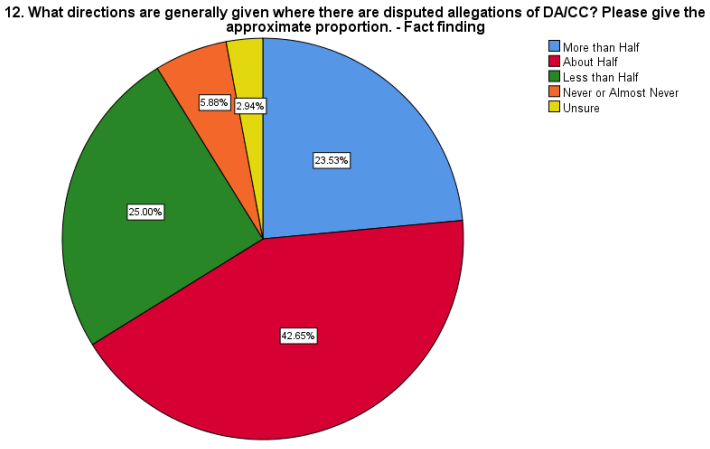


Figure 13: Proportion of disputed DA/CC allegation cases with fact finding and welfare hearing direction

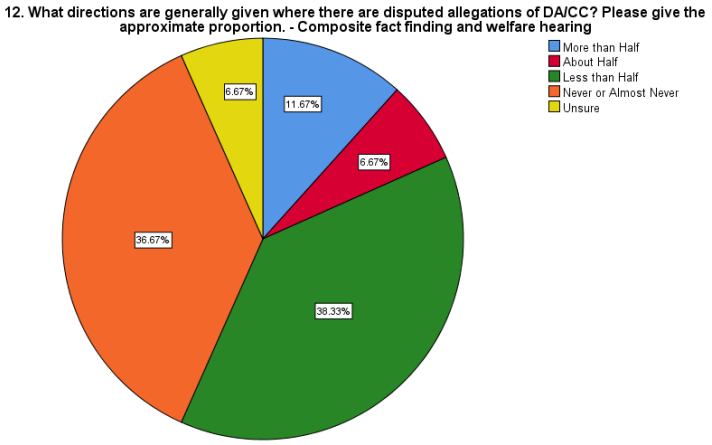


Figure 14: Proportion of disputed DA/CC allegation cases with no fact finding hearing on basis of sufficient admissions

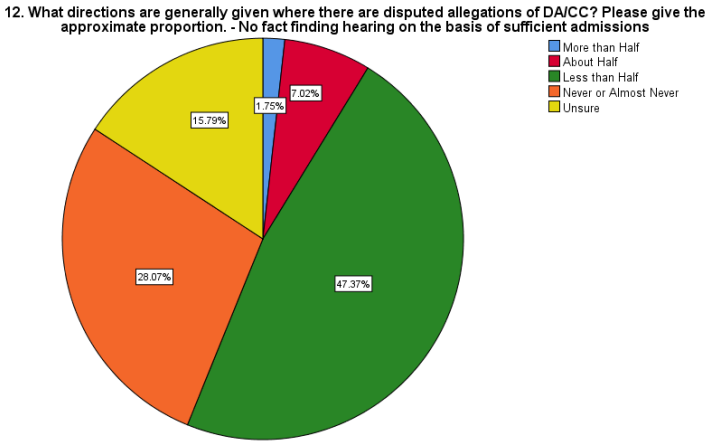
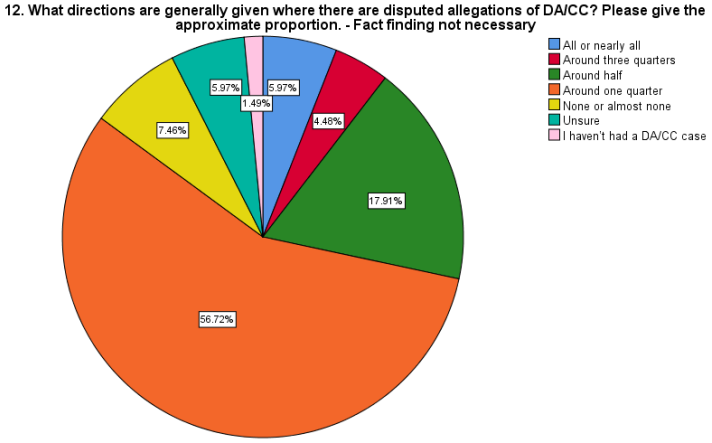


Figure 15: Proportion of disputed DA/CC allegations on cases where fact finding not needed



Respondents provided information on the proportion of their cases in which specific features were present in their disputed DA/CC cases. These special features included:

- the reasons for no fact finding was sufficiently recited in the order;

- directions were given to ensure that the perpetrator not cross-examine a victim;
- clear CAFCASS recommendations on interim contact arrangements were provided; and
- DA/CC admissions were sufficiently recorded on or or in schedule to the order.

The presence of these features varied across respondent responses. With regard to the proportion of disputed DA/CC cases, where the reasons for there being no fact finding were sufficiently recited in the order (Figure 16), respondents were relatively equally spread across more than half (23%), about half (19%), less than half (29%), and never/almost never (25%).

There was less variation across responses in the proportion of cases where directions were given to prevent cross-examination by the perpetrator (Figure 17), but more dichotomosed between this feature being never/almost never present (46% of respondents) and being present more than half of the time (23% of respondents).

The feature of clear CAFCASS recommendations on interim contact arrangements indicated relatively positive results (Figure 18), with respondents indicating this is provided in more than half of cases (36% of respondents) or about half (33% of respondents).

Findings on DA/CC admissions being sufficiently recorded on or or in schedule to the order (Figure 19) suggest this feature is often absent from DA/CC cases with 34% of respondents reporting this feature was never or almost never present and 23% reporting this in less than half of cases.

Figure 16: Proportion of disputed DA/CC cases where the reasons for no fact finding sufficiently recited in order

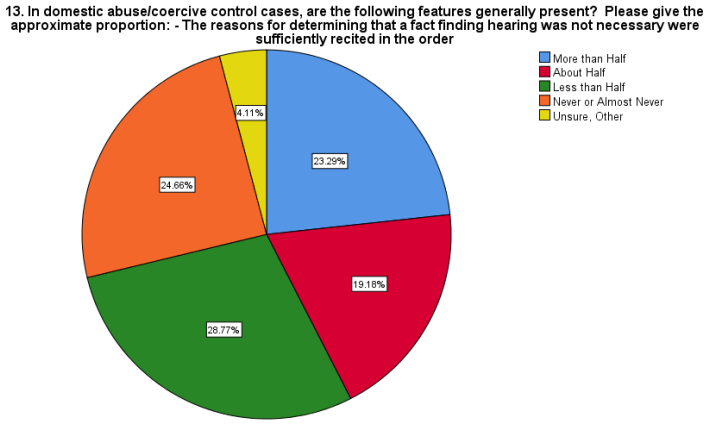


Figure 17: Proportion of disputed DA/CC cases where directions were given to ensure perpetrator could not cross-examine victim

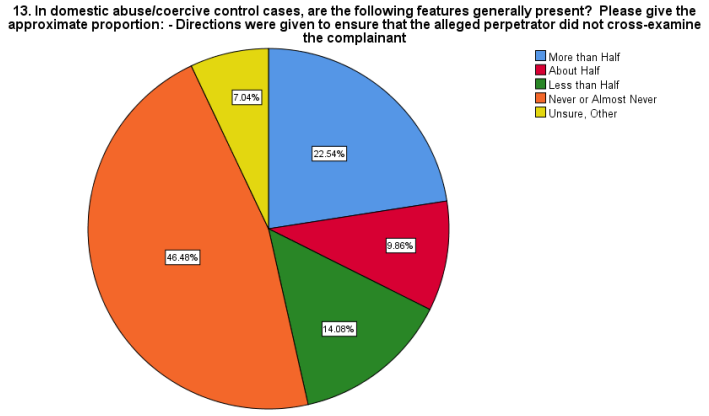


Figure 18: Proportion of disputed DA/CC cases where there was a clear CAFCASS recommendation on interim contact arrangements

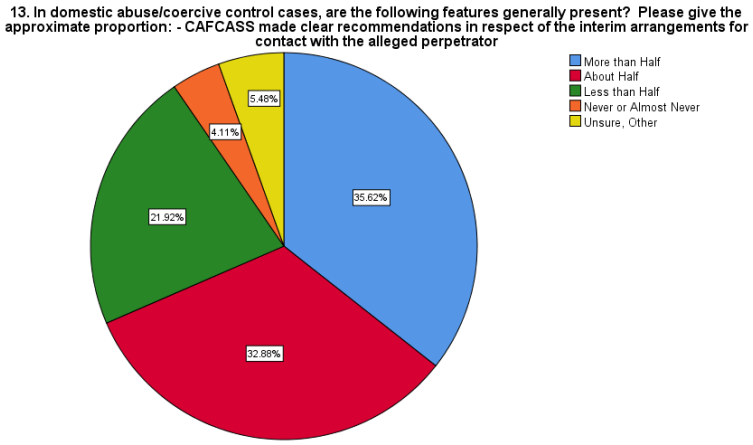
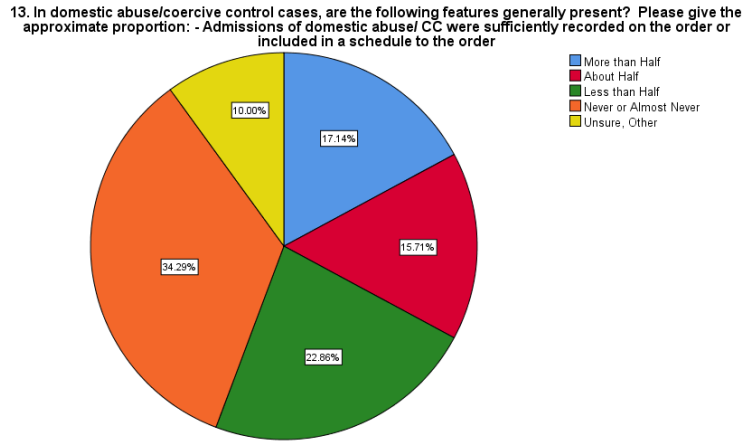


Figure 19: Proportion of disputed DA/CC cases where DA/CC admissions sufficiently recorded on or or in schedule to the order



Fact-finding challenges

In addition to data on Form C1A, fact finding directions, and special features of DA/CC cases, qualitative responses provided further information on a range of fact-finding challenges. These include: challenges with victim recall; decisions for no or limited fact finding (antipathy); difficulties with statements and disclosures; fact finding regarding spurious allegations; and no fact finding having been undertaken in prior hearings. Among these issues, decisions for no or limited fact finding was identified most frequently in qualitative responses.

> Respondent 1-D: *…there is an antipathy to ordering fact finding by CAFCASS and many DJ's. I hope your survey allows for this to change'*

Other respondents provided examples that suggest insufficient knowledge may contribute to barriers to fact finding:

> Respondent 2-D: *Case initially allocated to Tier 1. Justices ordered a fact finding but refused to allow parties to file statements on the basis that they "would inflame the situation", and limited alleged victim's allegations to 4.*
>
> Respondent 3-D: *The Court refused a fact finding notwithstanding the history outlined on the response form even before it had ordered the parties to file any evidence on the allegations in the C1A, and then refused to review the decision after significant evidence was filed. The court*

even initially resisted directing the police reports of an incident which involved allegations of an attempt to strangle the Mother in the presence of the child, on the basis that this was historic. The court then EXCLUDED all evidence of DA and coercive control at the final hearing, refusing to hear from relevant witnesses, and interrupting testimony on the abuse.

One respondent's comments highlighted the deleterious impact of these decisions:

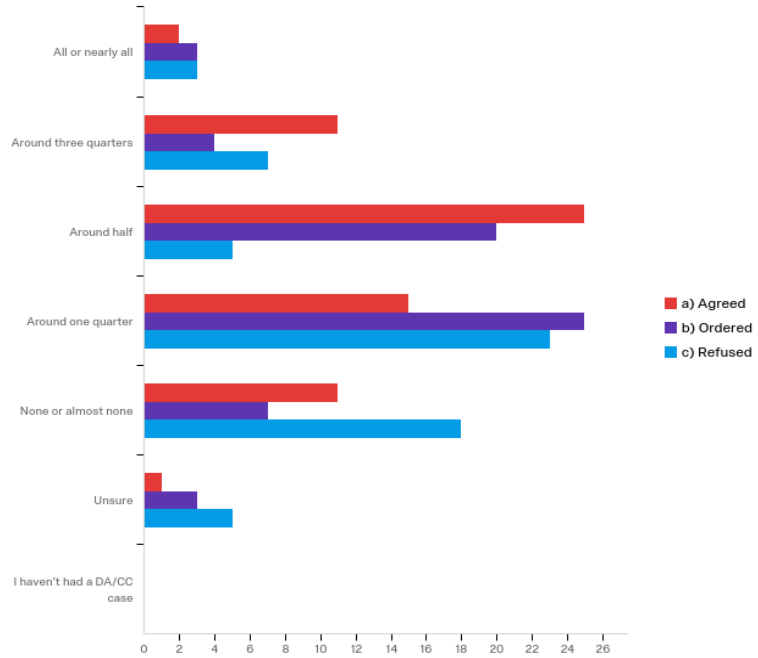
> Respondent 4-D: *This meant the CAFCASS officer's recommendation that there should be no fact finding was given with such force that it emboldened the perpetrator's bullying approach and weakened victim to submitting to pressure. The magistrates followed this approach, made an order in the perpetrator's favour which has subsequently broken down. The victim feels let down and fearful of going back to court.*

Interim Contact Arrangements

Respondents provided responses on the proportion of cases where interim contact was agreed, ordered, or refused with the alleged perpetrator (Figure 20).

Responses indicate variation in contact-related decision-making with most participants indicating that about a quarter to half of interim contact is agreed (62% of participants) or ordered (73% of participants). Most participants (67%) reported about a quarter or less of interim contact applications were refused. Where interim contact was agreed, respondents reported that supervised rather than unsupervised or supported contact was most prevalent with 82% of respondents reporting that supervised contact was agreed for half of all cases compared to unsupervised (16% of participants) or supported (25% of participants).

Figure 20: Interim Contact Arrangements with Alleged Perpetrator



Qualitative responses by respondents highlight the challenges related to contact including arrangements that presented greater risk to children or were too restrictive, and the perception that contact is prioritised.

> Respondent 1-E: *The magistrates and many judges always seem to apply a presumption in favour of direct contact regardless of 12J which is very difficult to rebut even when there are very serious allegations.*

Respondent 2-E: *Case where DV was the single issue, child terrified to see father…court ordered contact, so harmful for the child. At final hearing, little attention was paid to child's wishes and feelings as this was seen as mother manipulating the situation.*

Respondent 3-E: *The bench ordered supervision for contact where there had been regular unsupervised contact for over one year and the allegations that were allowed were very general and over 5 years old. The child was 12, very mature and took badly to supervision. He said in the sessions that he saw no domestic violence and felt so strongly about what had happened it actually damaged his relationship with his main carer rather than the person who was subject to the CAO. I lesson against a formulaic approach.*

What is the prevalence of court delays and how do these impact DA/CC cases?

Responses provide information on the proportion of cases where delays to the overall length of proceedings were due to a necessary fact finding hearing and the impact of these delays on the alleged victim.

The majority of respondents (57%) reported delays in all or the majority of their cases and a further 32% of respondents reported delays in over half of cases (Figure 21). With regard to the impact, the majority of respondents (66%) indicate delays had a very negative or negative impact on victims (Figure 22).

Figure 21: Proportion of DA/CC cases with necessary fact-finding and overall proceeding delays

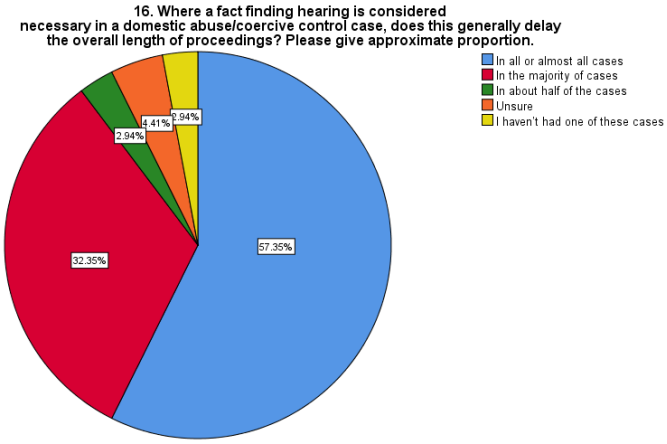
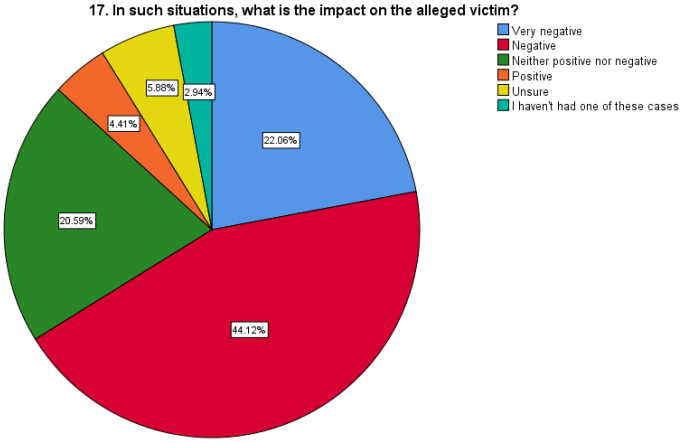


Figure 22: Impact of delays on alleged victim



Respondents expressed concern about court delays and the negative impact this has on DA/CC victims. Delays highlighted by respondents include: delay due to inadequacies in prior court

processes-hearings; delays due to insufficient understanding of DA/CC; delays in fact finding process; and delays to achieve resolution. The following quotes reflect these concerns:

> Respondent 1-F: *I find that the delay is unacceptable in listing fact finding hearings. This is especially so where allegations result in a cessation of contact or very restrictive contact when the allegations are later found not to have been proved.*
>
> Respondent 2-F: *…the only alternative is to ensure that finding of fact hearings can take place quicker, and that CAFCASS reports can be prepared sooner too. In reality though the cost consequences on clients for a finding of fact hearings, and the costs to the public purse of more CAFCASS resources and more Court availability make this almost impossible.*
>
> Respondent 3-F: *The worst thing about cases of this nature is the delay it takes to resolve matters through the court process. The delay that has serious and detrimental effects on the victim and the children of the family.*

Perceived impact on family members

Respondents' open-ended responses included insights into the impact of the court process on family members including children, mothers, and fathers. Responses provide examples of children and DA/CC victims emotionally harmed by the court process. In the child examples, the two responses relate to contact decisions previously noted. In the case of victims, the 12 responses include victims feeling let down by the court process, losing confidence and being fearful, and being re-traumatised and victimised.

> Respondent 1-G: *I had a final hearing recently (following quite serious findings being made against the Applicant), the Applicant was shouting and being abusive in court and stood to leave. He carried on shouting (he was standing closely behind the Respondent and shouting at the Judge). The Respondent was terrified, panicking and in tears (and had no way out as the Applicant was between her and the door) and the Judge failed to manage the situation effectively.*
>
> Respondent 2-G: *I have a lady client who has been diagnosed with complex PTSD on her case as a result of her ex-husband's behaviour…when the case finally came to court the client broke down under cross examination by the husband's counsel when she was accused of being jealous of the husbands new partner and making up the allegations of abuse. As a result her treatment for PTSD has been severely affected and her mental health deteriorated. The Judge at the trial was unsympathetic to her condition and annoyed that the case had to be adjourned as she was unable to continue with her evidence.*
>
> Respondent 3-G: *I was once asked by a DJ in a contested injunction application why the mother had attached bank statements to her written evidence. I had to explain the definition and concept of financial control. The mother's confidence in the justice system was severely damaged by the judicial comment.*

Responses also include examples of victims and children being placed at risk by the court, including the disclosure of confidential details, perpetrator empowerment, and victim cross-examination by the perpetrator or their counsel.

> Respondent 4-G: *The approach of the court has significantly added to the emotional harm and fears of the victim. It has emboldened the perpetrator who has now developed a false narrative that he was vindicated by the court which has added to his ability to harass the victim in an ongoing way. The victim was even challenged when she requested special measures by the bench and made to feel she was making a fuss which would count against her. The court gave no active consideration as to how the case was to be managed in terms of the alleged perpetrator to cross examining the victim despite being repeatedly invited to do so.*
>
> Respondent 5-G: *A recurring issue at some courts is Notices of Hearing being sent to respondents by the court where first hearing was ex-parte and they have yet to be personally served but attempts are continuing. Particularly if a return/directions hearing is adjourned or*

relisted to a different date (change in court list or because personal service attempts still ongoing). The respondent can then be made aware of proceedings without protective orders (i.e. prohibited steps orders and/or non-molestation orders) being served to protect the child and retaliation can place child(ren) at increased risk.

Respondent Recommendations

While respondents made use of the opportunity to highlight areas of improvement in how DA/CC cases are managed across court tiers, responses also include a number of positive experiences related to this area. These include examples of CAFCASS recognising coercive control; fact finding that was sensitive and thorough; skilled and competent judges; and the presence of special measures.

Respondent 1-H: *Last month I dealt with a fact find at…Tier 2. The Court staff were excellent; separate waiting area, screens different entrance etc and very vigilant and helpful.*

Respondent 2-H: *I have noticed a recent shift in the willingness to provide screens at Court… recently I have noticed that ushers are much more willing to put screens in place and I do not get the same level of pushback, which is helpful.*

Respondent 3-H: *Generally, PD 12J is followed and implemented very well at Tier 2 and 3 level.*

Respondent 4-H: *In one case recently a full fact finding was cathartic for the victim, but that one was the exception. In that one case the victim felt she had been heard and listened to.*

Respondent 5-H: *The DDJ was superb; robust and adhered properly to the guidance in a clearly serious case of d/v. I have had other cases before Tier 1 and must say they managed them well on the whole and took advice from the Legal Adviser.*

Respondents propose a range of suggestions related to how current practices and approaches could be improved. Most frequent are suggestions related to improving guidance and training to increase DA/CC competence and to changing practices to ensure DA/CC cases were dealt with at Tier 2 or above. Additional suggestions include special measures improvements; more court resources including physical space; more information, evidence, and time in the courts.

Respondent 6-H: *There is no one size fits all. The court layouts are very problematic with no adequate facilities for separate waiting areas and interview rooms. There needs to be much more guidance about the distinction between bad behaviour and domestic abuse of the kind relevant to child arrangements.*

Respondent 7-H: *CAFCASS could also see victims in their separate waiting area rather than causing the victim to walk around the court building to the cafcass room where separate entrances etc are required for high risk cases.*

Respondent 8-H: *CAFCASS have an important role to play in where necessary challenging the court on behalf of the child where it is clear that 12J is not being applied. Irrespective of whether there is a fact finding there should be an analysis of risk.*

Respondent 9-H: *It is extremely important for a hearing to take place (with a sufficient time estimate) once the C1A and response are both in, and sufficient time is spent considering in detail the allegations AND CONTACT at this stage. Many allegations are made that don't concern DV/coercive control. Some allegations are extremely serious and need to be treated accordingly, with reflection on interim contact arrangements*

Respondent 10-H: *In my experience there is a lack of proper information and evidence at the FHDRA with insufficient court time to properly analyse the impact of alleged dv on a case. This could be overcome by flagging up applications where allegations are made and making additional directions ahead of the FHRDA to request witness statements and supporting evidence.*

Respondent 11-H: *Please take Children Act cases away from Magistrates, returning to District Judges*

Respondent 12-H: *Whilst not possible or practical, in an ideal world, when the court considers that a fact-finding hearing is necessary, the matter should be re-allocated to Tier 2 or above.*

5. Summary of findings

This study was conducted to provide initial insights into how the PD12J regime is working in the Family Court. The online questionnaire explored participants' experience of DA/CC cases related to the adoption of PD12J across family court tiers, special measure applications, evidence-gathering in disputed allegations, and court delays. Findings suggest that some pockets of good practice exist across court tiers but that further work is needed to apply PD12J guidance consistently in court practices and ensure that processes and outcomes are beneficial for participants.

Allocation to inappropriate tier

Tier 1 (family magistrates) reportedly deal with the majority of DA/CC cases. This compares with one-quarter of cases being dealt with at Tier 2 (district judges) and none or almost none at Tier 3 (Circuit Judges). Respondents with the most DA/CC experience thought that half or more of their cases were *not* allocated to the appropriate tier.

Adherence to PD12J

Pockets of good practice were thought to exist across court tiers but further work is needed to apply PD12J guidance consistently in court practices and ensure that processes and outcomes are beneficial for participants. Adherence to PD12J was lowest at Tier 1, better at Tier 2, and strongest at Tier 3. Concerns were expressed in particular regarding the capacity at Tier 1 to manage the complex nature of DA/CC cases; this was linked to perceived limitations in magistrates' understanding of the insidious nature of DA/CC and knowledgeability of law relevant to DA/CC.

Special measure applications

These appeared to be underutilized, being only made in a minority of cases. Applications most usually included a combination of measures such as screens and separate waiting areas or exits, and the prevention of direct questioning by the alleged perpetrator. Occasionally, physical attendance was excused (with instructions permitted to be made by phone), and witnesses could be anonymised. There was inconsistency as to whether arrangements were agreed prior to the hearing when special measure applications had been made. While half the respondents reported that special measures were generally arranged in advance and were available for when the alleged victim arrived at court, this was not the case for one-third. Participants noted the lack of special arrangements could cause significant fear and distress for the victim. Cross-examination of victims by the perpetrator or their counsel, in particular, was seen to have had substantial adverse effects on victims' sense of safety and could be further traumatising.

Fact finding processes

Respondents reported that Form C1A was generally completed but often not sufficiently well drafted to the equivalent of Scott Schedule. Responses to C1A were not necessarily received. There was variability in court directions. A direction for fact finding in disputed cases was the most common, but this was rarer in welfare hearings or when there was judged to be sufficient admission in disputed cases. Some courts were perceived to have antipathy to a fact finding by the court, and the absence of a fact finding in a prior hearing could make a current hearing more problematic. Only

half of respondents felt that the reasons for determining that a fact finding hearing was unnecessary were sufficiently recited in the order. Where there had been an admission of DA/CC, fewer than half the respondents reported this to be sufficiently recorded on or or in schedule to the order.

Why disputed cases are challenging

Disputed cases were described by respondents as being complex to comprehend and manage. Some challenges related to limitations of victim recall in relation to alleged DA/CC, perceived inconsistencies with statements and disclosures, and spurious allegations. Respondents also attributed difficulties to inadequate understanding on occasion of DA/CC knowledge on the part of the court, with particular reference made to magistrates and CAFCASS. Concerns were expressed about magistrates not always having received sufficient training to understand the nebulous and contested nature of allegations, the insidious and hidden nature of coercive control, and the impact of living with DA/CC. Findings suggest this could result in the court paying insufficient attention to the wellbeing and safety of alleged victims and any children. Examples were given of courts disclosing confidential details and allowing the alleged perpetrator to flex power. Inadequate or inappropriate fact-finding assessments and recommendations were thought to have been made by CAFCASS in a substantial minority of situations; some recommendations were perceived to be unclear or unsafe for victims and/or children.

Interim contact arrangements

Just one-quarter or fewer of interim contact applications by the alleged perpetrator were refused, with the court seeming to apply a presumption in favour of direct contact, even where this was distressing or frightening to the child, who might be exposed to an alleged perpetrator's aggression and threats. However, where interim contact was agreed this was more often supervised rather than unsupervised or supported. Clear CAFCASS recommendations on interim contact were provided in at least half of cases, but this left a substantial proportion where this was not the case.

Court delays

The majority of respondents reported frequent delays. Some delay was seen as inevitable and necessary, as the fact finding process and achieving resolution between parties were time consuming. However, some delays were believed to relate to inadequacies in the court process, such as poorly managed prior hearings and insufficient understanding of DA/CC by the court (examples were given of coercive control needing to be explained to the court during the hearing by lawyers). Regardless of reason, delays were perceived as having a substantial adverse effect on families. Alleged victims were reported to feel let down and victimised by the court process, losing confidence, becoming fearful, and being re-traumatised. Where allegations were not dealt with speedily, those subject to spurious allegations were left in limbo for lengthy periods without contact with their children. The children similarly missed out on contact, potentially damaging the relationship with that parent and affecting their own welbeing in the process.

Impact on families

Where special measures were not arranged in advance and not available for when the alleged victim arrived at court, respondents reported significant fear and distress for the victim. Where magistrates had insufficient understanding of the mechanisms of coercive control and the impact of living with DA/CC, the court processes did not necessarily pay attention to the wellbeing and safety of alleged victims and any children. The disclosure of confidential details, the empowerment of the alleged perpetrator, and victim cross-examination by the perpetrator or their counsel had substantial adverse effects on victims' sense of safety and could be further traumatising. Inadequate or inappropriate fact-finding assessments and recommendation were thought to have been made by

CAFCASS in a substantial minority of situations**,** including recommendations perceived as being unclear or unsafe for victims and/or children, regarding contact or residence. who also missed out. Where allegations were found to be spurious, alleged perpetrators also suffered adverse effects, as did children who missed out on contact with that parent, with likely damage to the relationship and their own welbeing in the process.

6. Conclusions and recommendations

Pockets of good practice clearly exist across court tiers but further work is needed to apply PD12J guidance consistently in court practices, particularly at Tier 1, and ensure that processes and outcomes are beneficial for participants. Form C1A needs to be sufficiently well drafted to the equivalent of Scott Schedule and should always receive a timely response. Where special measures have been applied for, these need to be agreed and in place prior to the hearing. Where an admission of DA/CC is made this should be sufficiently recorded on or or in schedule to the order. Where allegations are disputed, careful consideration should always be given (including in welfare cases) to whether a fact finding is needed. Where a fact finding is deemed unnecessary, this must be sufficiently recited in the order.

> **Recommendation 1**: Discussion by the courts and lawyers in the Quality Circle, Kent and Sussex FLBA, and East and West Sussex Resolution, regarding how to monitor compliance with PD12 locally, particularly at Tier 1. An action plan should be put into place.

The use of Tier 1 for these complex DA/CC cases is thrown into question by this survey. There appears to be evidence (from lawyers) that magistrates in this region are not consistently able to understand the mechanisms of coercive control, the impact on victims, and how to manage risk. A clear training and development need is identified here which should be addressed speedily, to ensure victims and children are not further traumatised, or placed at risk from the abuser.

> **Recommendation 2**: Training on the mechanisms and impact of DA/CC, and risk assessment, decision-making and management of complex and contested situations, should be provided to magistrates, judges and CAFCASS workers in Kent and Sussex in the near future.

However, the respondents of this survey go further, suggesting that such cases should be dealt with by at least Tier 2. We would suggest there is further discussion of this matter locally.

> **Recommendation 3**: Discussion by the courts and lawyers in the Quality Circle, Kent and Sussex FLBA, and East and West Sussex Resolution, regarding whether contested DA/CC cases should go to Tier 2 as a minimum.

Delays have a substantial adverse effect on families and should be addressed where possible.

> **Recommendation 4**: Courts are urged to accelerate the process of fact finding hearings and completion of CAFCASS reports.

When making interim contact arrangements, careful consideration should always be given as to whether direct contact might be distressing, frightening or dangerous to the child, and whether indirect or supervised contact, or no contact should be directed. The child's wishes, feelings and perspectives must be sought directly in considering this, elicited through sensitive and child-centred direct work[6]. Where children are pre-verbal, careful observation of the child's demeanour,

[6] Dept. for Education (2018) *Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children* https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

behaviour and relationships in various contexts should be made as this can offer important insight into the child's views and experience[7].

> **Recommendation 5**: Direct work by CAFCASS should be of sufficient depth and quality to ensure that the child's experience and perspective are brought to the court and made a central consideration in any directions.

The court process should not be an emotionally harmful environment for DA/CC victims or place victims at heightened risk of harm by the perpeatrator, and safeguards to address harmful Court practices need to be in place

> **Recommendation 6:** DA/CC victims should be provided a feedback route on their court experience, particularly where victims are re-traumatised/victimised or placed at increased risk by the Courts.

Compliance with PD12 needs to be further monitored and evaluated over time. This survey could be repeated in a year following the distribution of these findings to see if there are any changes.

> **Recommendation 7**: Repeat of the survey in March 2021 to measure improvement.

As these findings are drawn from a survey of lawyer's experiences and perceptions, we would recommend that further (funded) research is commissioned to provide a fuller picture of local practices. Methods could include: an audit of cases where there have been lengthy delays or other problems to determine reasons; ethnography – observing the court process in action interviews with alleged victims about delays, special measures, contact arrangements, and felt safety; interviews with perpetrators where spurious allegations were made; interviews with children about interim contact arrangements; interviews with magistrates and judges.

> **Recommendation 8**: Consideration given by the commissioners of this survey to applying for funding to commission more in-depth research which would provide a fuller picture of local practices.

There are potential implications for other areas of the country from these findings. We would suggest this survey be conducted in other regions to determine the extent to which some of the findings, such as the quality and up-take of training of magistrates, are local issues, or whether issues are systemic or universal, e.g. that the complexity of these cases means that they would be dealt with better by judges.

> **Recommendation 9**: The findings from this survey should be publicised to enable other regions to take findings and recommendations into account and to consider conducting their own survey.

[7] Lefevre, M. (2018) *Communicating and Engaging with Children and Young People: Making a Difference*. Bristol: The Policy Press, 2nd Edition.

Appendix 1 – the survey questions

In respect of your answers, please refer to your practice experience over the past 12 months:

1. *What proportion of your practice relates to family and children work?*
   OPTIONS: All or nearly all, The majority of my work, Around half, A minority of my work, None or almost none, Unsure.

2. *Approximately how many private law applications have you dealt with in the last year?*
   OPTIONS: None, A small number, A large number, Too many to count, Unsure

3. *In approximately how many of the private law applications that you dealt with in the last year was domestic abuse and/or coercive control raised as an issue?*
   OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure.

4. *What tier are your domestic abuse/coercive control (CC) cases generally allocated to for FHDRA? Please tick the proportion which reflects the distribution of cases for Family magistrates, District Judge, Circuit Judge:*
   OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.

5. *Are the domestic abuse/CC cases generally allocated to the appropriate tier?*
   OPTIONS: Yes, definitely, Most of the time, About half and half, Less than half of the time, No, not at all, Unsure, I haven't had one of these cases

6. *Does the alleged victim in domestic abuse/CC cases ever apply for the following special measures?*
   OPTIONS: Screens, Separate waiting area, Separate exit/ entrance, Videolink, Other: please state which…; I haven't had a DA/CC case

7. *In general, in how many of those cases are special measures applied for?*
   OPTIONS: All or nearly all, The majority of my work, Around half, In fewer than half of the cases, Never or almost never, Unsure, I haven't had one of these cases.

8. *When special measures have been applied for, by the alleged victim in domestic abuse/CC cases, are these generally provided?*
   OPTIONS: All or nearly all, The majority of my work, Around half, In fewer than half of the cases, Never or almost never, Unsure, I haven't had one of these cases.

9. *How many of your domestic abuse/CC cases generally includes the following: A completed Form C1A; A response to form C1A.*
   OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.

10. *In general, what proportion of these are sufficiently well drafted to be the equivalent of Scott Schedule?*
    OPTIONS: All or nearly all, in the majority of cases, In about half of the cases, In fewer than half of the cases, Never or almost never, Unsure, I haven't had one of these cases.

11. *In approximately how many cases, where there were completed form C1As, did CAFCASS make clear recommendations as to whether or not a fact finding hearing was necessary?*

OPTIONS: All or nearly all, in the majority of cases, In about half of the cases, In fewer than half of the cases, Never or almost never, Unsure, I haven't had one where there were completed form C1As, I haven't had one of these cases.

12. *In approximately how many DA/CC cases was the following the outcome? Fact finding; Composite fact finding and welfare hearing; No fact finding hearing on the basis of sufficient admissions; Fact finding not necessary; Other disposal*
    OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.
    If you ticked 'other', please state here what other disposals were given…….

13. *In general in domestic abuse/coercive control cases, are the following features present?*
    a. The reasons for determining that a fact finding hearing was not necessary were sufficiently recited in the order *;*
    b. Directions were given to ensure that the alleged perpetrator did not cross-examine the complainant *;*
    c. CAFCASS made clear recommendations in respect of the interim arrangements for contact with the alleged perpetrator *;*
    d. Admissions of domestic abuse/ CC were sufficiently recorded on the order or included in a schedule to the order *;*

    OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.

14. *In how many cases were the interim arrangements for direct contact with the alleged perpetrator generally agreed, ordered or refused? Please tick the approximate proportion for each:*
    OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.

15. *Where interim contact was agreed or ordered with the alleged perpetrator, was this generally supervised, unsupervised or supported?' Please tick for each:*
    OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.

16. *Where a fact finding hearing is considered necessary in a domestic abuse/coercive control case, what impact does this generally have on the overall length of proceedings?*
    OPTIONS: A very significant adverse impact; A noticeably adverse impact; A small degree of adverse impact; No impact; A small degree of positive impact; A noticeably positive impact; A very significant positive impact; Unsure; I haven't had one of these cases.

17. *In approximately how many domestic abuse/coercive control cases before each tier has PD12J been followed?: Tick separately for Family magistrates, District Judge, Circuit Judge:*
    OPTIONS: All or nearly all, Around three quarters, Around half, Around a quarter, None or almost none, Unsure, I haven't had a DA/ CC case.

18. *Finally, we would like you to tell us briefly about your experience with one of these cases over the past year which stands out to you as having been dealt with either particularly well, or particularly badly in the family courts. This will help us to understand more about the challenges that are experienced in the family courts and learn from features of good practice. In particular, if you can, please highlight creative strategies and learning points for lawyers and judges.*
    [Free text box….

19. *Is there anything else you want to tell us about?* [Free text box]