



Ministry
of Justice

Lord Bellamy KC
Parliamentary Under-Secretary
of State for Justice

Baroness Hamwee
House of Lords
London
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MoJ ref: SUB105727

23 May 2023

Dear Baroness Hamwee,

I am writing to you in your capacity as the Chair of the Justice and Home Affairs Committee to provide an update regarding progress on the implementation of the recommendations made by the final report on 'Assessing the risk of Harm to Children and Parents in Private Law Children Cases', and to inform you that an Update will be published tomorrow.

The expert panel's final report was published in June 2020. The report reflected findings from a call for evidence that received over 1,200 responses from individuals and organisations across England and Wales, along with roundtables and focus groups held with professionals, parents and children with experience of the family courts. The report provided an understanding of how effectively the family courts identify and respond to allegations of domestic abuse and other serious offences, in cases involving disputes between parents about the arrangements for their children, known as 'private law children proceedings'.

Alongside the report the Ministry of Justice published a detailed implementation plan, which provided an initial system-wide response to the issues raised in the report, and the recommendations of the panel. We are working to deliver on commitments and good progress has been made against many of the measures that the Government committed to taking forward.

As the Update sets out, we have taken positive steps on a number of the report's findings:

- One of the report's key recommendations was to design and test a new, more investigative, less adversarial way of hearing cases where domestic abuse was alleged. In February 2022 we launched the Integrated Domestic Abuse Court pathfinder pilots in Dorset and North Wales. Feedback from judges and other practitioners is positive, indicating that they are putting children at the heart of proceedings and giving survivors of domestic abuse an improved experience by coordinating information so they only need to tell their story once. I am confident this will improve the experience of families as they go through the family courts. Monitoring and evaluation of the pilots is ongoing and will inform any decision on rolling out the process further, we anticipate this will be concluded in 2024.
- We have also legislated to deliver a number of the recommendations through the Domestic Abuse Act 2021. Firstly, we have stopped perpetrators and alleged perpetrators of abuse cross-examining their victims in family proceedings. Secondly, we have delivered on our commitment to make survivors of domestic abuse automatically eligible for special measures in the family court without needing to provide any evidence. And finally, we clarified the law on 'barring orders', making it clearer they are available where perpetrators could bring repeat, vexatious claims as a form of continuing domestic abuse.

- We also launched the review of the Presumption of Parental Involvement in November 2020. The Presumption is an important and complex issue. Any action we take must be based on a solid understanding of the ways the presumption operates and how this affects both parents and children. We will publish the outcome of the review later this year.

An embargoed copy of the Delivery Update is attached to this letter.

Although there has been a lot of positive work already I recognise that more can still be done to ensure the remainder of the Government's plan is fully implemented. The Government remains fully committed to improving the experience and outcomes of children and families affected by family separation and by domestic abuse.

Yrs sincerely

Chris Bellamy

LORD BELLAMY KC