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This data compendium includes data from the Domestic Abuse Commissioner's Family Courts practitioner survey and a review of Victim and Survivor correspondence. Both were used to inform the 2023 Family Court Report.

Family Law practitioner survey data

The n value for each table is the number of respondents to the survey who answered the question. The percentages have been derived from this n value. For questions where respondents could only select one answer option; percentages appearing to sum just above or just below 100 is due to rounding. The questions listed below were open text questions and respondents to the survey gave free text responses. These responses were coded into themes. Where a respondents comment covered more than one theme, the responses were split and coded accordingly. This means the percentages may not sum to 100 and have been derived from the number of respondents (n) who answered the question rather than the responses they gave.

Further comments: Given the prevalence of domestic abuse in private family law proceedings, how often do you perceive the motivation to issue a Child Arrangement Order application to be genuinely child-centric?

Further Comments: When assessing the communication style of a litigant in person who is alleged to have abused the other parent, how would you describe their approach to the other parent and/or their legal representation?

Further Comments: How fit for purpose are domestic abuse Fact-Finding Hearings in private family law proceedings?

Further Comments: How do your fellow practitioners perceive private family law cases?

For parties who choose to self-represent, do you perceive this to be strategic? If yes, why? Other (please specify):

Could you provide examples of financial tactics used in the Family Court?

Some questions asked respondents to select all answers that applied, here - again - percentages refer to the proportion of respondents who selected a particular answer and therefore, totals will not sum to 100.

Review of Victim and Survivor correspondence

Victim and survivor correspondence includes emails from victims and survivors of domestic abuse, as well as from the friends, family members and new partners of those victims and survivors. Upon receipt, each piece of correspondence is logged and tagged based on the issues raised within the email. There was no limit on how many tags could be added to each piece of correspondence. Whilst this provided a helpful insight into victims and survivors experience of procedural justice, it is important to recognise that the sample is a self-selecting group potentially biased towards individuals who have had difficult experiences or are dissatisfied with the outcomes of their cases. It is not a represented sample of those who have experienced the Family Courts process and any descriptive statistics derived from the data must not be generalised. As such, any findings have not been referred to as evidence within the Family Courts report. We also acknowledge that the sample included correspondence from two months prior to the Harm Panel publication.

Victim & Survivor correspondence

Victims and survivors who wrote to the Domestic Abuse Commissioner between May 2020 and May 2022

All correspondence	100%	443
Correspondence which mentioned the Family Courts	35%	153
Correspondence which mentioned Private Family Law proceedings	24%	108

Victim and survivor correspondence which mentions the Family Courts (n=153)

Family Court correspondence that mentions Private Family Law proceedings	71%	108
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Themes of correspondence relating to Private Family Law Proceedings (n=108)

Domestic abuse was minimised by the Family Courts	85%	92
Family Court proceedings were traumatic	57%	62
Practice Directions were not followed	19%	21
So-called 'parental' alienation was raised	12%	13
Special measures were not adhered to	6%	6

Child-centricity

In what capacity are you engaged with the Family Court? (n=138)

Solicitor	41%	56
Barrister	57%	79
Chartered Legal Executive	2%	3

What proportion of the privately funded private family law cases you have been involved with have included allegations of domestic abuse? (n=138)

1-20%	9%	12
21-40%	13%	18
41-60%	21%	29
61-80%	26%	36
81-100%	27%	37
Based on reflections of the last 24-months, I am unable to comment	4%	6

What proportion of the legal aid private family law cases you have been involved with have included allegations of domestic abuse? (n=133) [Please answer this question in relation to pro bono work if applicable and flag within the comments box below]

1-20%	3%	4
21-40%	4%	5
41-60%	8%	10
61-80%	12%	16
81-100%	51%	68
Based on reflections of the last 24-months, I am unable to comment	23%	30

In private family law proceedings are applications usually pursuing increased contact with children? (n=138)

Yes - most of the time	67%	92
Sometimes yes and sometimes no	30%	42
No - not normally	2%	3
Based on reflections of the last 24-months, I am unable to comment	1%	1

What proportion of the private family law cases funded by legal aid you have been involved with comprise of an Applicant, pursuing a Child Arrangements Order, who was also alleged to be a perpetrator of domestic abuse? (n=138) [Please answer this question in relation to pro bono work if applicable and flag within the comments box below]

1-20%	17%	23
21-40%	14%	20
41-60%	14%	19
61-80%	12%	17
81-100%	22%	31
Based on reflections of the last 24-months, I am unable to comment	20%	28

What proportion of the privately-funded private family law cases you have been involved with comprise of an Applicant, pursuing a Child Arrangements Order, who was also alleged to be a perpetrator of domestic abuse? (n=133)

1-20%	17%	23
21-40%	19%	25
41-60%	24%	32
61-80%	16%	21
81-100%	18%	24
Based on reflections of the last 24-months, I am unable to comment	6%	8

When reflecting on the gendered nature of Child Arrangement Order applications, how often are men the Applicants in these types of proceedings? (n=138)

1-20%	3%	4
21-40%	8%	11
41-60%	20%	27
61-80%	41%	56
81-100%	26%	36
Based on reflections of the last 24-months, I am unable to comment	3%	4

Given the prevalence of domestic abuse in private family law proceedings, how often do you perceive the motivation to issue a Child Arrangement Order application to be genuinely child-centric? (n=138)

Always	3%	4
Usually	53%	73
Sometimes	36%	49
Rarely	6%	8
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	3%	4

Further comments: Given the prevalence of domestic abuse in private family law proceedings, how often do you perceive the motivation to issue a Child Arrangement Order application to be genuinely child-centric? (n=30)

Applicants have a genuine want to see the child	47%	14
Perpetrators of domestic abuse do not have an understanding of the effect domestic abuse has on children	23%	7
There are issues relating to cross-allegations in Family Court proceedings	17%	5
Allegations of domestic abuse can be made by an alleged victim or survivor for their own motivations and are not, necessarily, child-centric	13%	4

Family Court proceedings are a continuation of domestic abuse	10%	3
There can be numerous reasons for an application	10%	3
Professionals are not always able to see Domestic Abuse	7%	2

How often are the children involved in private family cases with an element of domestic abuse exhibiting signs of resistance, reluctance or refusal at seeing a parent? (n=138)

Please note the Domestic Abuse Commissioner's Office defines this as:

Resist, refuse and reluctance: terms used to encompass a child who is hesitant to spend time (or increased time) with a parent

1-20%	10%	14
21-40%	28%	38
41-60%	35%	48
61-80%	14%	19
81-100%	9%	12
Based on reflections of the last 24-months, I am unable to comment	5%	7

If arrangements sought are not child-centric, what do you consider to be the overarching / other objective(s)? (n=138)

Please select all applicable responses:

Hostility towards the other parent	75%	104
To intimidate/fatigue the other parent	60%	83
To ensure increased contact with the child with the intention of maintaining it	54%	74
To pursue allegations of abuse in relation to a child resisting, refusing or exhibiting reluctance at contact/increased contact	46%	63
To restrict the movement of child and/or other parent	44%	61
To clarify finances with the Child Maintenance Service	33%	45
To air frustration in the court process	32%	44
To obtain a Prohibited Steps Order	26%	36
To ensure increased contact with the child without the intention of maintaining it	17%	23
To clarify a position in relation to a Specific Issues Order	12%	16
To finalise divorce proceedings	5%	7
Other	1%	2

Communication methods

When assessing the communication style of a litigant in person who is alleged to have abused the other parent, how would you describe their approach to the other parent and/or their legal representation? (n=138)
Please select all applicable responses

Aggressive	68%	94
Accusatory	65%	90
Hostile	59%	82
Domineering	54%	74
Passive aggressive	53%	73
Condescending	51%	70
Patronising	46%	63
Business like	23%	32
Civil	22%	30
Unclear	22%	30
Genuine	19%	26
Compromising	17%	23
Open to negotiation	17%	24
Flexible	14%	19
Collaborative	13%	18
Clear	12%	16
Kind	9%	12
Based on reflections of the last 24-months, I am unable to comment	1%	1

Further Comments: When assessing the communication style of a litigant in person who is alleged to have abused the other parent, how would you describe their approach to the other parent and/or their legal representation? (n= 37)

The behaviour and communication style cannot be generalised	59%	22
Abusive, misogynistic and aggressive	24%	9
Confused and out of their depth	14%	5
Other	5%	2

Are threats of further litigation communicated by parties who are alleged of being abusive to the other parent? (n=134)

Usually - yes	25%	33
Sometimes yes and sometimes no	63%	85
No - not normally	9%	12
Based on reflections of the last 24-months, I am unable to comment	3%	4

Are any of the following communication methods used? (n=138)
Please select all applicable responses:

Excessive communication	75%	103
Demands	69%	95
Hostile negotiation	64%	89
Imposing timeframes	58%	80
Reneging on agreements	57%	78
Unclear communication	52%	72
Punitive measures	35%	48
Other (please specify):	5%	7
None of the above	3%	4
Based on reflections of the last 24-months, I am unable to comment	1%	2

*No further comments were made

Would you consider the communication style from the parent alleged to be abusive of the other intentionally stress inducing? (n=131)

Always	12%	16
Usually	36%	47
Sometimes	52%	68
Rarely	0%	0
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	0%	0

Use of court procedures/litigation conduct

How often are 'emergency' processes used in privately funded private family law proceedings? (n=128)

Please note, that for the purposes of this survey, the Office uses the term 'emergency' to encompass:

Allegations of harm and abuse made within the C1A form and any other measure utilised to fast-track Children Act 1989 proceedings

Always	5%	7
Usually	27%	34
Sometimes	59%	76
Rarely	9%	11
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	0%	0

How often are 'emergency' processes used in legal aid private family law proceedings? (n=121)

Please note, that for the purposes of this survey, the Office uses the term 'emergency' to encompass:

Allegations of harm and abuse made within the C1A form and any other measure utilised to fast-track Children Act 1989 proceedings

[Please answer this question in relation to pro bono work if applicable and flag within the comments box below]

Always	10%	12
Usually	45%	54
Sometimes	41%	50
Rarely	4%	5
Never	0%	0

Do you see parties in proceedings behave in a way which protracts proceedings? (n=129)

Yes, by both parties	58%	75
Yes, by the party alleging the other of engineering child reluctance,	21%	27
Yes, by the party who is alleged of engineering child reluctance,	13%	17
No	5%	6
Based on reflections of the last 24-months, I am unable to comment	3%	4
resistance and refusal		
resistance and refusal		

In how many cases do you see the following situation?: Child contact cancelled on days of court hearings and/or in the run up to court dates by the parent who is alleging the other parent to be engineering child resistance, reluctance and/or refusal? (n=129)

1-20%	43%	56
21-40%	19%	25
41-60%	10%	13
61-80%	5%	6
81-100%	3%	4
Based on reflections of the last 24-months, I am unable to comment	19%	25

How effective do you feel magistrates are at handling domestic abuse cases? (n=129)

Extremely effective	1%	1
Very effective	2%	3
Somewhat effective	14%	18
Not so effective	36%	46
Not at all effective	42%	54
Based on reflections of the last 24-months, I am unable to comment	5%	7

How fit for purpose are domestic abuse Fact-Finding Hearings in private family law proceedings? (n=129)

Extremely fit for purpose	3%	4
Very fit for purpose	9%	12
Fit for purpose	40%	51
Identifiable room for improvement	19%	24
Unfit for purpose	22%	29
Grossly unfit for purpose	6%	8
Based on reflections of the last 24-months, I am unable to comment	1%	1

Further Comments: How fit for purpose are domestic abuse Fact-Finding Hearings in private family law proceedings? (n=48)

Concerns around delays	33%	16
Lack of consistency across courts	21%	10
Issues around evidence and Scott Schedules	17%	8
A need for domestic abuse training for Judges and Magistrates	15%	7
Parties do not recognise the findings	15%	7
Continuation of domestic abuse	8%	4
Costs	8%	4
Special measures are not being used	8%	4

How do your fellow practitioners perceive private family law cases?

Favourably	19%	25
Unfavourably	64%	83
Based on reflections of the last 24-months, I am unable to comment	16%	21

Further Comments: How do your fellow practitioners perceive private family law cases? (n=45)

Exhausting, hostile and a waste of time	33%	15
Poor Legal Aid fees	18%	8
Difficult working with litigants in person	16%	7
Delays	9%	4
Avoided by many practitioners	9%	4

Other	9%	4
A lack of understanding about domestic abuse	7%	3

Which, if any, of the following do you consider to be areas which require improvement in private family law proceedings? (n=138)
Please select all applicable responses:

Access to legal aid	79%	109
The use of magistrates and/or variable quality of legal advisors	59%	81
CAFCASS	59%	81
Court administration	59%	81
So-called (parental) 'alienation' allegations	54%	75
Lack of trauma informed training / judicial understanding of domestic abuse	54%	74
Minimisation of domestic abuse	44%	61
None of the above	0%	0
Other (please specify):	0%	0

Economic conduct

How often do you see the parent accusing the other of engineering child resistance, refusal and/or reluctance being better financially resourced in private family law proceedings? (n=129)

Please select all applicable answers:

1-20%	10%	13
21-40%	13%	17
41-60%	28%	36
61-80%	25%	32
81-100%	11%	14
Based on reflections of the last 24-months, I am unable to comment	13%	17

Do parties with available resources choose to self-represent as Litigants in Person? (n=119)

Always	1%	1
Usually	11%	13
Sometimes	61%	73
Rarely	24%	28
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	3%	4

For parties who choose to self-represent, do you perceive this to be strategic? (n=122)

Yes	47%	57
No	44%	54
Based on reflections of the last 24-months, I am unable to comment	9%	11

For parties who choose to self-represent, do you perceive this to be strategic? If yes, why?

Please select all applicable responses

To have an opportunity to speak in court	38%	44
To incur fees for the other side who instruct Counsel	26%	31
To ensure their case is put forward	16%	19
To avail higher protection with court orders	14%	16
To avoid paying the other parties legal fees under Schedule 1 and therefore have to prepare bundles	6%	7

For parties who choose to self-represent, do you perceive this to be strategic? If yes, why? Other (please specify): (n=29)

To avoid taking legal advice or being told what to do	28%	8
Litigants in person believe, and often do, get treated more leniently	28%	8
To save costs	17%	5
To continue their abusive behaviour	15%	4
Sometimes' - it is sometimes strategic and sometimes not	15%	4
Does not happen	2%	2
Litigants in person struggle to work with professionals	1%	1

Do parties who self-represent pay for legal advice which does not appear on court records? (n=120)

Always	2%	2
Usually	12%	14
Sometimes	66%	79
Rarely	10%	12
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	11%	13

Do parties utilise methods to induce pressure in parallel financial proceedings? (n=122)

Always	2%	3
Usually	16%	19
Sometimes	58%	71
Rarely	5%	6
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	19%	23

Are parties alleging abuse in the form of the other parent engineering resistance, reluctance and/or refusal usually providing greater financial support for their child/children than is legally required (i.e. above minimum maintenance level set) (n=107)

Always	3%	3
Usually	5%	5
Sometimes	39%	42
Rarely	34%	36
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	20%	21

Do parties alleging the other party engineering child resistance, refusal and/or reluctance show flexibility and/or willingness to compromise with respect to family finances? (n=118)

Always	2%	2
Usually	8%	9
Sometimes	41%	48
Rarely	31%	36
Never	0%	0

Based on reflections of the last 24-months, I am unable to comment	19%	23
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Do parties alleging the other party engineering child resistance, refusal and/or reluctance usually take a child-centric approach to finances? (n=114)

Always	1%	1
Usually	8%	9
Sometimes	37%	42
Rarely	35%	40
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	19%	22

Do you see any of the following in private family law proceedings? (n=138)

Please select all applicable responses:

Requests that Respondents pay for their legal fees	43%	59
Applicants stating the primary carer should take on more paid work	41%	57
Application for forced sale of the Family Home / Former Matrimonial Home	31%	43
Applicants stating they require more resources, even as the non-resident parent	25%	35
Refusal to recognise the need to pension share	24%	33
Based on reflections of the last 24-months, I am unable to comment.	15%	21
None of the above (whilst paying child maintenance)	15%	21

Do private family law proceedings generally induce financial pressure on the primary carer? (n=122)

Yes	45%	55
Sometimes yes, sometimes no	50%	61
No	5%	6

Could you provide examples of financial tactics used in the Family Court? (n=98)

Ensuring child maintenance fees are as minimal as possible	35%	34
Repeated applications or prolonged proceedings	32%	31
To use, or not use, legal representation to create higher costs for the other party	23%	23
Other	13%	13
Threats of costs orders	8%	8
Allegations of domestic abuse or allegations of so-called 'parental' alienation	7%	7
Finances should not be discussed in private law proceedings to prolong proceedings	6%	6

'Counter allegations' in the Family Court

Is the Family Court currently able to effectively engage with Deny, Attack and Reverse Victim and Offender (DARVO)? (n=108)

Always	4%	4
Usually	19%	20
Sometimes	27%	29
Rarely	28%	30
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	23%	25

How often do you see situations where the perpetrator claims to be a victim? (n=119)

Always	10%	12
Usually	45%	54
Sometimes	41%	49
Rarely	3%	4
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	0%	0

Do you perceive the Family Court to prioritise allegation-centric behaviour over understanding resistance, reluctance or refusal at contact? (n=116)

Please note that the Office defines this as: Resist, refuse and reluctance: terms used to encompass a child who is hesitant to spend time (or increased time) with the non-resident parent

Always	9%	11
Usually	25%	29
Sometimes	49%	57
Rarely	16%	19
Never	0%	0
Based on reflections of the last 24-months, I am unable to comment	0%	0

Overall effects of behaviour

To what extent do you believe the Family Court able to effectively engage with domestic abuse? (n=118)

Very positively	8%	9
Somewhat positively	45%	53
Neither positively nor negatively	17%	20
Somewhat negatively	25%	29
Very negatively	6%	7

How likely is the Family Court to re-traumatise victims of domestic abuse during private family law proceedings? (n=118)

Very likely	35%	41
Likely	47%	56
Neither likely nor unlikely	17%	20
Unlikely	1%	1
Very unlikely	0%	0

Which of the following, if any, are likely effects of the Family Court for victims of domestic abuse? (n=138)

Please select all applicable responses:

Distress	74%	102
Fear of court process	70%	96
Feeling disbelieved	70%	97
Stress	69%	95
Loss of faith in Family Court	66%	91
Trauma	58%	80
Heightened fear of ex-partner	57%	78
Loss of faith in the law	57%	79
Negative financial impact	53%	73
Anger	51%	70
Feeling believed	44%	61
Post-Traumatic Stress Disorder	41%	57
Relief	34%	47
Feeling supported	28%	38
Reassured of domestic abuse provisions	24%	33
Able to move on and positively co-parent	22%	31
Engaged with effectively	21%	29
Positive financial impact	9%	13