



Ministry  
of Justice

**Caroline Dinenage MP**  
Parliamentary Under-Secretary  
of State for Women, Equalities  
and Family Justice

Bridget Phillipson MP  
House of Commons  
London  
SW1A 0AA

21<sup>87</sup>  
March 2016

Dear Bridget,

**WOMEN'S AID CHILD FIRST CAMPAIGN AND 'NINETEEN CHILD HOMICIDES' REPORT**

Thank you for your letter 25 February sent to the Justice Secretary on behalf of your constituents regarding the launch of the Women's Aid Child First campaign and the accompanying *Nineteen Child Homicides* research report. I am replying as the Minister responsible for family justice in England and Wales.

As I am sure you will appreciate, as a Government Minister I am unable to comment on individual cases that have been or may come before the courts. I can assure you that this is not due to a lack of concern, but in order to maintain the key constitutional principle that the judiciary remain independent of the Government. I am, however, able to comment in general terms on some of the issues raised.

Protecting women and children from violence is a key priority for this Government. When the court is asked to decide on matters such as where a child should live or how much contact a parent should have with their child the law requires the welfare of the child to be the paramount consideration. The focus is very clearly on what the child needs and not what parents or other family members may want. Where the arrangements for the child are contested the court is required to consider a range of factors in order to establish the welfare needs of the child concerned and how these should be met. As you will appreciate the circumstances of each case are unique and what is best for the child can only be determined after careful consideration of all the facts.

Where parents are contesting the arrangements for their children, the court must have particular regard to the factors in the welfare checklist in section 1(3) of the Children Act 1989. The checklist includes the child's physical, emotional and educational needs; their age, sex and background; the likely effect of any change in circumstances; how capable each parent and any other person the court considers to be relevant is of meeting the child's needs; and any harm the child has suffered or is at risk of suffering.

As discussed in the report, the Child Arrangements Programme and Practice Direction 12J sets out a strong and clear framework where domestic violence is alleged.

Family judges have a range of powers and training to manage difficult court room situations and to make sure they are handled sensitively for victims of domestic violence and other vulnerable witnesses. Judges can intervene to prevent inappropriate questions or have questions relayed. Practical protections, such as protective screens, video links, separate waiting rooms and separate entrances, are available where appropriate. It is for the judge involved to determine what measures are appropriate, and how the framework will be applied on the basis of the evidence in a particular case.

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Domestic Violence Protection Orders (DVPOs) and the Domestic Violence Disclosure Scheme (DVDS) were rolled out across England and Wales from March 2014. DVPOs can prevent the perpetrator from returning to a residence and from having contact with the victim for up to 28 days. The DVDS, also known as "Clare's Law", introduces recognised and consistent processes to enable the police to disclose to the public information about previous violent offending by a new or existing partner where this may help protect them from further violent offending.

Following Her Majesty's Inspectorate of Constabularies' review of the police response to domestic abuse published in March 2014, the Home Secretary established and chairs a National Oversight Group, and under her leadership every police force has published a plan to improve their response to domestic abuse. In addition, new guidance was published by the College of Policing in autumn 2015, training has been piloted and, as of April 2015, police are now collecting data against a national standard on all domestic abuse recorded crimes.

The deaths and serious harm described in the research report are extremely upsetting and my deepest sympathy goes to all the families mentioned in the report. The Government will work with others involved in the family justice system to discuss and address the report's conclusions, including in relation to the measures already in place to protect women and children from harm and their effective implementation.

A handwritten signature in black ink, consisting of the word "yours" in a cursive script above a larger, more stylized signature that appears to read "Caroline Dinénage".

**CAROLINE DINENAGE**