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# “Is there a human being behind that?” SafeLives’ Domestic Abuse Training for Family Lawyers



# Acknowledgements

**We are so grateful for the powerful and brave input of survivors of domestic abuse, including those supported by VOICES, The Lioness Circle, and Al-Hasaniya, and the SafeLives Pioneers, who have generously given their time and energy to share their experiences of abuse and of the family justice system in order to inform the training and this report. We hope that it makes a difference.**

We are also indebted to our Advisory Group who have offered their expertise and insight, and sought to answer our various questions, and especially to the lawyers who have ensured the training is applicable to learners' practice. A huge thanks, in particular, to Charles Russell Speechlys and those who gave their time and space, pro-bono, to support the training and the project in a variety of ways.

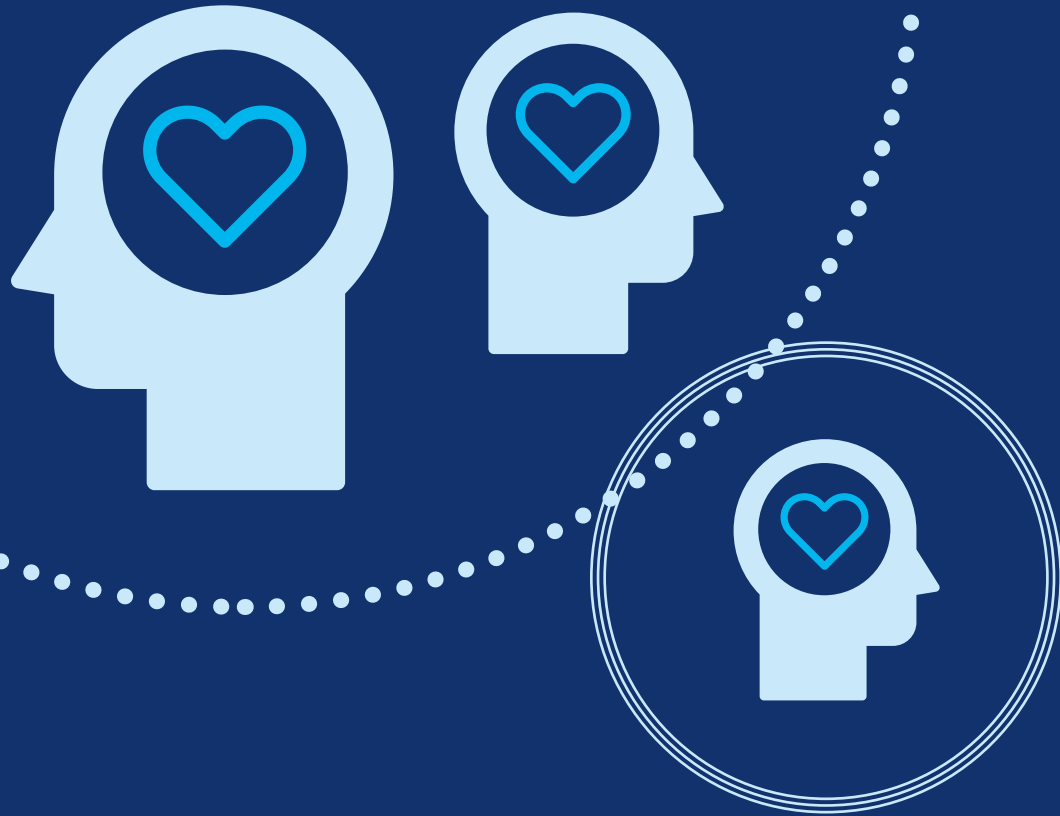
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Finally, thank you to all the SafeLives staff who have been involved in this project throughout, including but not limited to: Rosie Agnew, Lead Trainer; Emma Robinson, Project Lead; Emma Retter and Bethan Taylor, Research Leads; Connie Simpson, Comms Lead; Patrick Mulvihill and Jeka Kolesova, Training Coordinators; and Claire Davison, Project Manager.

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## We are SafeLives, the UK-wide charity dedicated to ending domestic abuse, for everyone and for good.

We work with organisations across the UK to transform the response to domestic abuse. We want what you would want for your best friend. We listen to survivors, putting their voices at the heart of our thinking. We look at the whole picture for each individual and family to get the right help at the right time to make families everywhere safe and well. And we challenge perpetrators to change, asking 'why doesn't he stop?' rather than 'why doesn't she leave?' This applies whatever the gender of the victim or perpetrator and whatever the nature of their relationship.

Last year alone, 25,000 professionals received our training. Over 79,000 adults at risk of serious harm or murder and more than 99,000 children received support through dedicated multi-agency support designed by us and delivered with partners. In the last six years, over 4,000 perpetrators have been challenged and supported to change by interventions we created with partners, and that's just the start.

**Together we can end domestic abuse. Forever. For everyone.**

# 01.

## About SafeLives



# 02.

## Executive summary & key findings

### It's crucial family lawyers understand the dynamics of abuse

Many thousands of victims every year experience domestic abuse in relationships where they share children with the perpetrator. This can add an extra barrier to leaving the abuse and becoming safe, and many survivors find themselves in the family courts.

Domestic abuse is a prominent feature of any family lawyer's workload and, therefore, it is crucial that family lawyers fully understand the dynamics of abuse, how experiences of domestic abuse can impact the children at the heart of Private Law cases, and how trauma can impact a survivor's ability to give best evidence. But we know from our research with survivors of domestic abuse that many family lawyers lack this vital knowledge and, as a result, survivors are left feeling disbelieved or ignored by their legal representation, and traumatised by their time in the family courts.



**The abuse was happening so regularly and so intense, I just can't pinpoint the dates. I felt like I was failing in not remembering and felt that maybe even my solicitor doesn't believe me."**

Survivor

In turn, this leads to unsafe judgements based on only a partial picture of the child's life and the separating couple's relationship.

Victims and survivors of domestic abuse frequently share their experiences of feeling unsupported, silenced and even blamed by the family courts, including by their lawyers. Survivors have raised examples of when legal professionals have told them to minimise or withhold information about the abuse, in order to avoid 'annoying' the judge or 'complicating' a case. Others have been told that they can bring up allegations at a later date – but when they do, the Courts have rejected their disclosure out of hand, on the basis that it was not raised at the outset of the case.

In response to the wealth of survivors' experiences and evidence, and recommendations within the Family Harms Panel report, we were delighted to be supported by the Legal Education Foundation to develop and pilot a cultural-change training programme to create systemic transformation within the family justice system and strengthen practitioner capacity to respond well to domestic abuse.

We developed and ran 23 one-day training sessions which were attended by 360 learners. According to learners' self-evaluations, our domestic abuse training for family lawyers had a substantial, positive impact across each learning outcome, and 90% would recommend the training to a colleague; over half (58%) rated the training 10/10. Lawyers told us that the training was informative and will improve their practice.

Evaluation findings from all three training products show the training led to an increase in reported levels of knowledge across all outcome areas, with the majority of learners



**I feel I will be much better placed to support survivors. This course has taught me so much. It is a step back to re-look at how we all work."**

Learner

# 90%

**would recommend the training to a colleague**



willing to strongly recommend the training and feeling the learning would have a large impact on their practice moving forward.

For learners attending the core domestic abuse awareness training, an increased understanding of trauma and how to implement a trauma-informed approach to practice came through as the most significant take-away. Learners reported considerable increases in perceptions of knowledge, and the majority said the training will have a 'very large' or 'extremely large' impact on their interaction with clients and response to victims of domestic abuse, moving forward.

For learners attending the specialist sessions centring on engaging with perpetrators, and on so-called "honour"-based abuse, both appeared successful in improving specialist knowledge around their area of focus. While feedback from the specialist

sessions suggests there is a need for further training around these topics, the findings show learners perceived an improvement in their knowledge and awareness.

Overall, learners said the training programme will make a significant difference to their practice moving forward and the training for family lawyers appears to have had a substantial, positive impact.

1. Office for National Statistics (2022), *Domestic abuse in England and Wales overview: November 2022*. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2022>



**Now that I have had the training it provides me with great insight and a better approach to helping and understanding clients.”**

Learner





# 03.

## Recommendations

### Recommendations for family lawyers

- ✓ We encourage lawyers to attend evidence-based domestic abuse training to build their understanding of the dynamics of domestic abuse and empower them to practise a trauma-informed approach to representing survivors. Training can provide an opportunity to address gaps in knowledge and play an important role in self-directed professional development.
- ✓ We also encourage solicitors' firms, chambers and Inns of Court to make domestic abuse training sessions available for all family lawyers;
- ✓ We have clear feedback from survivors on what they'd like to see, and we ask lawyers to ensure their practice meets survivors' recommendations:
  - Understand that an authoritative power dynamic between lawyer and client, where a survivor of domestic abuse feels silenced, disbelieved, and unsupported, can contribute to retraumatisation.
  - Recognise that court can be a daunting, scary, and retraumatising places, and lawyers are in a unique position to reassure clients that they have someone on their side.
  - Have a comprehensive understanding of domestic abuse to identify abuse in clients' narratives, and help survivors to recognise their experiences as abuse for which they were not responsible.
  - Take the time to listen to survivors and their experiences in the relationship. Work in a trauma-informed way.

## Understand that your clients' lives are being turned upside down.

- Know who to signpost survivors to and make sure they have the necessary support in place after their meeting with you. Re-living the experiences from an abusive relationship can be re-traumatising.
- Show empathy. Acknowledge that the court process can be difficult. Advise on the best options for your client but ensure all options are explained to the survivor and listen to their response.
- Reassure and actively show your client you will do the best you can for them. Challenge any stereotypes or prejudices you may have and ensure the client feels believed and that you will do everything in your power to get the best outcome possible for them.
- Understand that your clients' lives are being turned upside down. Be patient, use simple language and make contact with other support workers around the client (such as domestic abuse practitioners) to ensure added support is there for practical requests, such as obtaining bank statements for legal aid applications.

- Use glossaries so survivors can understand legal jargon and go back to documents at a later stage. Flow charts can also be helpful to show the survivor different scenarios for court proceedings so they can have an overview of what may happen over the course of proceedings.
- Where required, ensure that interpreters are booked for clients in the dialect of their choice, as early as possible during consultations, ideally from the first appointment. Avoid the use of family and friends as interpreters, which can lead to misinterpretation, power imbalances, and/or third parties having access to confidential information which could be shared with the perpetrator. For some clients, translation will be necessary for written as well as verbal communication: lawyers should use appropriate translation tools and services to ensure that clients can understand emails and client care letters.

- Where working with clients who may be unable to read or disabled, lawyers should ensure documents are presented in appropriate formats and clients have the additional support they need to produce statements or sign documents.
- Wherever possible, meet with or call clients before court hearings, giving them time to raise any concerns;
- Ensure clients feel safe in the court room and can access the special measures they are entitled to. If possible, book a waiting room, arrange for the survivor to use a separate entrance and exit, and ensure they feel safe away from the perpetrator before beginning the proceedings.





## Recommendations for the Ministry of Justice

- ✓ As recommended by the Domestic Abuse Commissioner, the Ministry of Justice should make available funding for specialist domestic abuse training which includes the impact of domestic abuse on adult and child victims and survivors.<sup>2</sup>
- ✓ Support the development of multi-agency training which can be rolled out by Local Family Justice Boards, drawing on the lessons from our existing training for family lawyers, to ensure all professionals involved in a family's case in the Family Courts understands the dynamics of domestic abuse and how to implement a trauma-informed approach.
- ✓ Ensure that domestic abuse awareness is central to the ongoing 'reinvigoration' of Local Family Justice Boards, supporting them to commission training developed by domestic abuse experts and to work closely with local domestic abuse services.
- ✓ Commission regular specialist domestic abuse training for new Qualified Legal Representatives (QLRs) to reduce barriers to the appointment of QLRs in cases where survivors or perpetrators of domestic abuse are representing themselves.
- ✓ Ensure that the training required for new QLRs looks at the dynamics of domestic abuse and empowers lawyers to identify all forms of abuse, puts survivor voice at the centre and enables lawyers to implement a trauma-informed approach to representing survivors and perpetrators of domestic abuse.
- ✓ Ensure that all family lawyers are kept up to date with legislative and policy developments around domestic abuse and understand the implications of changes to their practice.
- ✓ Exempt survivors of domestic abuse from the legal aid means test, recognising the financial impact of domestic abuse on victims, and ensure they can access high-quality legal representation across the justice system.

## Recommendations for law schools

- ✓ Ensure that domestic abuse is a key feature of the family law curriculum, including looking at barriers to disclosure, the experiences of marginalised groups, and perpetrator tactics.
- ✓ Support the development of domestic abuse training, delivered by specialists and tailored to the specifics of the classroom environment.
- ✓ Centre survivor voice in the family law curriculum, recognising the impact of non-trauma-informed practice on clients, their ability to give best evidence, and the safety of any court orders.



<sup>2</sup> Domestic Abuse Commissioner (2023). *The Family Court and domestic abuse: achieving cultural change*. Available at: [https://domesticabusecommissioner.uk/wp-content/uploads/2023/07/DAC\\_Family-Court-Report-\\_2023\\_Digital.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2023/07/DAC_Family-Court-Report-_2023_Digital.pdf)



# 04.

## The case for domestic abuse training for family lawyers

**Domestic abuse is endemic in our society: in the year to March 2022, 2.4 million adults – 1.7 million women and approximately 700,000 men – are estimated to have experienced domestic abuse.<sup>3</sup>**

One in four women, and more than one in seven men have experienced domestic abuse since the age of 16.<sup>4</sup>

Since January 2022, the Domestic Abuse Act 2021 has defined children as victims in their own right when they experience domestic abuse between adults in their household, even if they are not directly harmed in the abuse. This development was welcomed by many as a recognition of the lasting impact that domestic abuse can have on children. In the year to March 2023, there were 148,012 children associated with the 118,140 cases of high-risk domestic abuse discussed at Marac (Multi-agency risk assessment conferences).<sup>5</sup> The ratio of children to

cases is 13 children to every ten cases; while the number of cases discussed at Marac has increased over the years, this ratio has largely remained consistent since Q1 2017.<sup>6</sup>

3. Office for National Statistics (2022), Domestic abuse in England and Wales overview: November 2022.

4. Office for National Statistics (2022), Domestic abuse in England and Wales overview: November 2022.

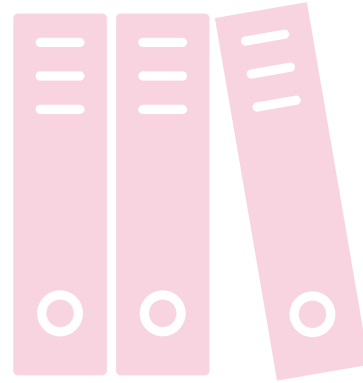
5. SafeLives (2023), Latest Marac National Dataset. Available at: <https://safelives.org.uk/practice-support/resources-marac-meetings/latest-marac-data>

6. SafeLives (2022), Marac Data Key Findings: April 2021 – March 2022. Available at: <https://safelives.org.uk/sites/default/files/resources/Marac%20Data%20Key%20Findings%20External%20April%2021%20to%20March%2022.pdf>

In 2022, there were also

# 32,049

applications made specifically for domestic violence remedies.



According to our most recent Insights dataset on survivors of domestic abuse who accessed Idva (Independent domestic violence advisors) services, there were over 3,615 children and young people involved in 2,873 cases opened.<sup>7</sup> On average, our 2021/22 Insights dataset on children and young people accessing domestic abuse services found that children were exposed to domestic abuse for 7 years and 8 months.<sup>8</sup> We estimate that, by the time they start school, at least one child in every classroom will have been living with domestic abuse since they were born.<sup>9</sup>

At SafeLives, we hear repeatedly from survivors of domestic abuse who have spent years in the family courts and feel that the system has failed them and their children. In 2020, the Ministry of Justice Family Harms Panel concluded that “family courts approach domestic abuse cases inconsistently, and in some cases with harmful effects.”<sup>10</sup> On the basis

of over 1,200 responses to the call for evidence, the expert panel found “deep-seated and systemic problems with how the family courts identify, assess and manage risk to children and adults.”<sup>11</sup>

In 2022, there were 52,219 Private Law cases started in the English and Welsh Family Courts.<sup>12</sup> Although the Ministry of Justice does not currently collect data on the prevalence of – or response to – domestic abuse within the Family Courts, research by Cafcass and Women’s Aid Federation England and Wales estimates that more than 60% of Private Law cases feature allegations of domestic abuse.<sup>13</sup> This would mean that over 30,000 of the Private Law cases started in England and Wales last year involved allegations of abuse.

In 2022, there were also 32,049 applications made specifically for domestic violence remedies – a record number of applications, and a 4% increase on the previous year.<sup>14</sup>

Domestic abuse, therefore, will feature prominently within a family lawyer’s workload, even without taking into account the cases where the domestic abuse which has occurred is never disclosed, identified, and/or formally alleged. Clearly, therefore, it is crucial that family lawyers fully understand the dynamics of domestic abuse, how experiences of domestic abuse can impact the children at the heart of Private Law cases, and how trauma can impact a survivor’s ability to give best evidence.

But we know from our research with survivors of domestic abuse that many family lawyers lack this vital knowledge and, as such, survivors are left feeling disbelieved or ignored by their legal representation, and traumatised by their time in the family courts. In turn, this leads to unsafe judgements based on only a partial picture of the child’s life and the separating couple’s relationship.

Victims and survivors of domestic abuse frequently share their experiences of feeling unsupported, silenced and even blamed by the family courts, including by their lawyers.

7. SafeLives (2022). *Insights Idva dataset 2021-22*. Available at: [https://safelives.org.uk/sites/default/files/resources/Idva%20Dataset%202022\\_FINAL.pdf](https://safelives.org.uk/sites/default/files/resources/Idva%20Dataset%202022_FINAL.pdf)
8. SafeLives (2022). *Children’s Insights dataset 2021-22*. Available at: [https://safelives.org.uk/sites/default/files/resources/CYP%20Dataset%202022\\_FINAL.pdf](https://safelives.org.uk/sites/default/files/resources/CYP%20Dataset%202022_FINAL.pdf)
9. SafeLives (2017). *SafeLives Insights National 2017: Children, young people, and the involvement of Children’s Services*. Available at: <https://safelives.org.uk/sites/default/files/resources/Insights%20National%20Dataset%20Briefing%202017%20-%20children.pdf>
10. Ministry of Justice (2020). *Assessing the Risk of Harm to Children and Parents in Private Law Children Cases*, p173. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf)
11. Ministry of Justice (2020). *Assessing the Risk of Harm to Children and Parents in Private Law Children Cases*, p139.
12. Gov.uk (2023). *Courts data: family courts*. Available at: <https://data.justice.gov.uk/courts/family-courts/> [Accessed: 04/08/2023]
13. Cafcass & Women’s Aid Federation England (2017). *Allegations of domestic abuse in child contact cases*. Available at: <https://www.cafcass.gov.uk/wp-content/uploads/2017/12/Allegations-of-domestic-abuse-in-child-contact-cases-2017.pdf>
14. Ministry of Justice (2023). *Family Court Statistics Quarterly: October to December 2022*. Available at: <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-october-to-december-2022/family-court-statistics-quarterly-october-to-december-2022#domestic-violence-remedy-orders>

Survivors have raised examples of when legal professionals have told them to minimise or withhold information about the abuse, in order to avoid ‘annoying’ the judge or ‘complicating’ a case. Others have been told that they can bring up allegations at a later date – but when they do, the Courts have rejected their disclosure out of hand, on the basis that it was not raised at the outset of the case.

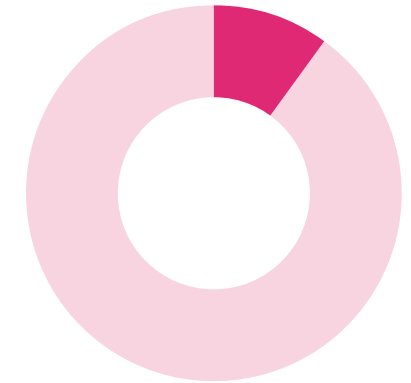
The Harms Panel found evidence that allegations of abuse are ignored, disbelieved, or minimised. They also raised difficulties evidencing abuse, silo-working, and important issues around findings of abuse being seen as relevant to the Courts’

**The report pointed to disparities between the high incidence of domestic abuse allegations in private law children proceedings.**

considerations of child residency and contact arrangements. The Panel identified a pro-contact culture in the Family Courts which prioritised involvement with each parent in the life of the child over other considerations; this clearly demonstrates a lack of understanding around the harmful impact of and risks involved with having contact with the perpetrator parent. In particular, the report pointed to disparities between the high incidence of domestic abuse allegations in private law children proceedings, and the low numbers of orders for no contact, supervised contact, or domestic abuse perpetrator programmes. In particular, the Panel pointed to research indicating that, between 2007 and 2017, only around 10% of cases involving allegations of domestic abuse resulted in indirect contact and no-contact orders.<sup>15</sup>

In research commissioned by the Domestic Abuse Commissioner, SafeLives found that 43% of survivors in the Family Justice System who responded to our survey perceived poor understanding of domestic abuse by those involved in the court process; this included the respondent being discouraged from disclosing their

**Only around 10% of cases involving allegations of domestic abuse resulted in indirect contact and no-contact orders.<sup>15</sup>**



abuse in case it harmed their case, and the court believing the perpetrator’s evidence over the victim’s due to the impact of trauma on the latter’s presentation, or appearing to be on the perpetrator’s side.

Training for all participants in the family justice system was a key recommendation of the Family Harms Panel’s report, including “a cultural change programme to introduce and embed reforms to private law children’s proceedings and help to ensure consistent implementation.”<sup>16</sup>

Our own response to the call for evidence highlighted the need for specialist training across the whole family justice system.<sup>17</sup> This recommendation echoes what survivors have long told us: one respondent to our Every Story Matters consultation told us that “family court professionals need to be educated in domestic abuse.”<sup>18</sup> According to the Domestic Abuse Commissioner,

“training is integral to ensuring that agencies within the [family justice] system are working towards the same vision and share an understanding of the dynamics of domestic abuse.”<sup>19</sup>

15. Ministry of Justice (2020). *Assessing the Risk of Harm to Children and Parents in Private Law Children Cases*, p133.

16. Ministry of Justice (2020). *Assessing the Risk of Harm to Children and Parents in Private Law Children Cases*, p11.

17. SafeLives (2019). *SafeLives’ response to the Family Courts Review*, p12. Available at: <https://safelives.org.uk/sites/default/files/resources/190821%20SafeLives%27%20response%20to%20the%20Family%20Courts%20Review.pdf>

18. SafeLives (2019). *SafeLives’ response to the Family Courts Review*, p12. Available at: <https://safelives.org.uk/sites/default/files/resources/190821%20SafeLives%27%20response%20to%20the%20Family%20Courts%20Review.pdf>

19. Domestic Abuse Commissioner (2023). *The Family Court and domestic abuse: achieving cultural change*, p34. Available at: [https://domesticabusecommissioner.uk/wp-content/uploads/2023/07/DAC\\_Family-Court-Report-\\_2023\\_Digital.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2023/07/DAC_Family-Court-Report-_2023_Digital.pdf)

## Survivors' experiences of family lawyers

At the beginning of this project to develop and pilot training for family lawyers, we worked with our partner service, VOICES, to facilitate a number of focus groups with survivors and interviews with domestic abuse practitioners in order to inform the development of the training. Once the pilot sessions were complete and we had preliminary evaluation data, we then held two focus groups with survivors, facilitated by the Lioness Circle. We wanted to hear about survivors' experiences with family lawyers and understand what good practice looked like for them. A frequent issue raised by survivors and domestic abuse practitioners was lawyers' poor understanding of domestic abuse.

The survivors in the focus groups discussed the fact that they, themselves, often did not understand what domestic abuse was when they first sought out a lawyer.

It is not uncommon for services and researchers to hear from survivors that their solicitor was the first person to tell them they had experienced domestic abuse; one focus group participant recounted exactly that experience. The survivors explained that a solicitor

could be the first person someone got in contact with at the end of the abusive relationship and, if a solicitor can listen to their experiences and begin the conversation about domestic abuse, that solicitor can support the survivors' understanding of their relationship with the perpetrator, and positively impact their experience of the Courts as a whole. This is especially true if English is not the survivor's first language or if they have lived in a country with a less developed legal framework around domestic abuse.

Moreover, we know from our research with young people that they are less likely to use terms like "domestic abuse," instead preferring language around "toxic" or "unhealthy" relationships.<sup>20</sup> Young women face elevated rates of domestic abuse and can also find themselves in the family justice system: one of the survivors in the focus groups was in an abusive relationship by the time she left school, and her first Family Court hearings coincided with her first two weeks of college.<sup>21</sup> As such, solicitors must have an understanding of domestic abuse in order to be able to identify it in a survivor's narrative, especially if their client is not using key terminology.



**I think importantly I would go so far as saying, probably eight out of ten women, when they're dealing with solicitors, if it's not to do with [a] criminal case, probably aren't really clear on what domestic abuse is or what they're experiencing to be able to really clearly go in and go 'It's this. It's that. He's doing this. This is abusive.'"**

Survivor

Domestic abuse practitioners told us that, if family lawyers do not understand the complexities of domestic abuse, it becomes hard to truly recognise and effectively represent survivor's experiences.

In the focus groups, survivors said that, had their legal representatives had a greater understanding of domestic abuse, they would have probably displayed more empathy and had a greater recognition of the trauma responses survivors of domestic abuse may display. Similarly, a key concern for domestic abuse practitioners was victim-blaming and a lack of empathy

when survivors were having to share traumatic experiences with their legal representative. Domestic abuse practitioners thought it was vital that solicitors and barristers understood how hard it is for survivors to re-tell their story. Engaging with a lawyer who does not have a good understanding of domestic abuse and of trauma can be re-traumatising for survivors, can lead to a lack of trust in that professional relationship, and can result in lawyers not gaining the right evidence for the survivor's case.



**"So, it's been a very negative and impactful experience for them, and they talk about because the solicitors lack that understanding, it meant that [...] they didn't have as much trust and confidence in the solicitor."**

Domestic abuse practitioner

20. SafeLives (2020). *Talk about Toxic: Survey results*. Available at: <https://safelives.org.uk/sites/default/files/resources/Talk%20about%20toxic%20survey%20results%20Report.pdf>

21. Office for National Statistics (2022), *Domestic abuse in England and Wales overview: November 2022*.

Survivors told us that support and empathy can be missing from their very first contact with a lawyer, when they are expected to sit in a new space, with a stranger, and discuss some of the most traumatic and perhaps shameful experiences of their life. They pointed out that, often, legal training can require lawyers to distance themselves from their clients, but survivors wanted lawyers to 'get on their level,' and relate to them as people.



**But I remember like the first time I went to talk to a solicitor, they... we were sat in a room with a really big table. She was at one side, I was at the other side in quite, in quite a formal [setting]. And so, I was having to tell her about the abuse I've been through, while kind of sat in a formal [setting]... it was really, really hard."**

Survivor



**Is there a human being behind that? We see the suit."**

Survivor



**It was very cold, very cutthroat."**

Survivor

Survivors also told us they felt a sense of despair when their legal representatives did not respond to and challenge the Court's minimisation of domestic abuse. Too often, they reported feeling judged, misunderstood and ignored. Survivors told us they were shut down, advised to be compliant and 'likeable' rather than permitted to speak up in order to correct false information or provide missing details.



**Always the advice is, 'Well, don't complain. You'll be seen to be doing this. You'll be seen to, you know, and it'll go against you.' And I think to have... I always used to say, 'Why wouldn't you challenge something like that? Why wouldn't you... you know, that's incorrect...'"**

Survivor

In particular, we heard about the influence of stereotypes and prejudices on solicitors when representing Black, Asian and racially minoritised survivors.



**I've been told, many of the reasons why the solicitors don't connect is, some of the women have mentioned racism as part of that lack of being able to go to that level, that lack of connection."**

Domestic abuse practitioner



**So, how's the person, this white man, for example, or this professional, reacting to a woman who barely speaks English who's come from another country, who maybe needs her immigration status to be sorted out, who wears a headscarf, or she has like, I don't know, four children or five children? You know, I think we really have to push ourselves and challenge ourselves in thinking, what are my stereotypes? What am I holding?"**

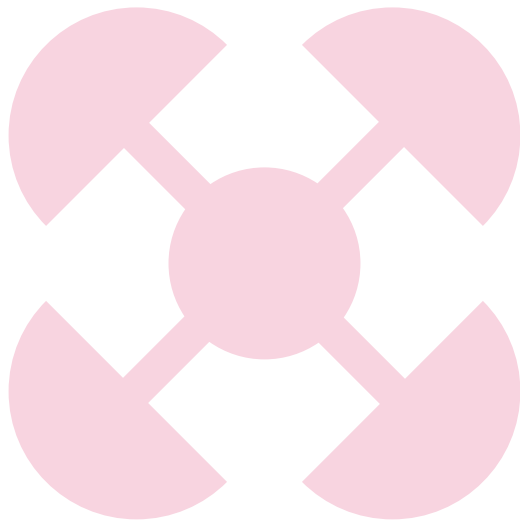
Domestic abuse practitioner



We set out what survivors and domestic abuse practitioners told us in more detail in our interim report *Don't Complain: Domestic abuse survivors' experiences of family lawyers*.<sup>22</sup>

Survivors want their legal representatives to fight for them and ensure they are not ignored or silenced by the Courts. Legal representatives need to understand the complexities of domestic abuse so they can represent to the Court the experiences of survivors and their concerns about the perpetrator, as well as any ongoing abuse.

Legal representatives must use an intersectional approach to their work and recognise that each victim or survivor will have unique barriers and may face discrimination outside of their current experience of domestic abuse. We encourage family lawyers to reflect on their own practice, challenge their thinking and ensure that they are providing an equitable service to all clients. Survivors want their legal representatives to understand that court proceedings are daunting, stressful and frightening and that these proceedings are taking place in conjunction with a multitude of other life stressors.



22. SafeLives (2022). *Don't Complain: Domestic abuse survivors' experiences of family lawyers*. Available at: [https://safelives.org.uk/sites/default/files/resources/Don%27t\\_complain-Domestic\\_abuse\\_survivors%27\\_experiences\\_of\\_family\\_lawyers.pdf](https://safelives.org.uk/sites/default/files/resources/Don%27t_complain-Domestic_abuse_survivors%27_experiences_of_family_lawyers.pdf)

## Black survivors' experiences

We wanted to ensure that we heard from a diverse group of survivors of domestic abuse to capture a wide range of experiences. Two of the survivor focus groups were facilitated by the Lioness Circle, a service run by and for survivors of domestic abuse and sexual violence, particularly those of African and Caribbean backgrounds. These survivors told us that their race and the colour of their skin negatively impacted their experiences of the family justice system. They felt the impact of racism in the ways in which lawyers and other officers of the Court responded to them, their support needs, and their allegations of domestic abuse. Moreover, several related experiences of colourism, or skin-shade prejudice, with darker skinned survivors feeling they had been disadvantaged to a greater degree than lighter skinned survivors.

In particular, the survivors pointed to the lack of racial diversity among Family Court judges and lawyers, explaining the impact of continually not seeing anyone in a position of authority who looked like them: "we're told we are less than [White people]."

The survivors in the focus groups spoke about extra barriers that they faced when disclosing domestic abuse or accessing justice. They pointed to intergenerational trauma and the historical normalisation of Black people experiencing violence, which can prevent them from recognising abuse and seeking support. Moreover, they highlighted fears of betraying their community when coming forward with allegations, especially when an allegation of violence against a Black man can feed into enduring racist stereotypes of Black people and of Black men in particular. They shared that the social prohibition against 'airing dirty laundry' outside of a community acted as a barrier to their speaking about the abuse and accessing specialist support.



**The judge ain't gonna stick up for you. The social worker ain't gonna stick up for you."**

Survivor

Importantly, survivors spoke about ‘the system’ and did not separate out the family justice system from other statutory agencies: for example, deeply negative experiences with Children’s Social Care in one survivor’s youth contributed to her mistrust of the Family Courts, while interactions with the Criminal Justice System, including police forces found to be institutionally racist, were not seen as distinct from Family Justice.

Furthermore, survivors highlighted that to seek justice in the Family Courts – from ‘the system’ – was to seek help from the very same ‘system’ which historically upheld slavery. As such, while many survivors of domestic abuse have raised the retraumatisation they face within the Family Courts, the focus group participants shared that their engagement with the Family Justice System triggered trauma related to their experiences of racism, as well as the trauma of having experienced domestic abuse.



**When you’ve been through trauma on top of trauma on top of trauma. We don’t realise the severity of what we’ve been through.”**

Survivor

Clearly, many of the issues highlighted by the focus group participants in relation to their race and ethnicity cannot be solved by addressing the Family Courts alone. Many are beyond the scope of any training programme for lawyers. However, it is crucial that lawyers working with Black survivors, as well as with Asian and racially minoritised survivors, recognise these additional barriers to justice, and the different forms of retraumatisation which clients may be experiencing.

## Family lawyers’ understanding of domestic abuse

We interviewed more than 35 key stakeholders across the legal and domestic abuse sectors. This included practising family lawyers from a range of legal backgrounds, representatives from law associations, frontline domestic abuse practitioners, third-sector domestic abuse organisations, and public sector bodies. Our aim was to find out about family lawyers’ understanding of domestic abuse, and identify key gaps in their knowledge which our training should address. We detailed the findings from these interviews, as well as the examples of good practice we heard about, in our interim report, Hit and Miss: Family lawyers’ understanding of domestic abuse.<sup>23</sup>



**The understanding is not great at all when they are dealing with, you know, domestic violence victims.”**

Survivor

Repeatedly, respondents highlighted poor awareness of domestic abuse: several told us lawyers’ understanding presents “a mixed bag”, others said it is “hit and miss,” “completely patchy,” and “enormously variable.” “Some do [understand], some don’t,” – but “the majority don’t,” according to one campaigner and survivor of domestic abuse. Respondents agreed that there are certainly some family legal professionals with high levels of knowledge. However, most reported that many lawyers simply do not understand what adult survivors have experienced and how it might continue to affect them and their children after separating from the perpetrator, nor the impact of their traumatic experiences on their behaviour in court.

As highlighted in Hit and Miss, trauma can leave survivors unable to remember or share key details and sequences of events. One Pioneer survivor of domestic abuse told us:

<sup>23</sup>. SafeLives (2022), *Hit and Miss: Family lawyers’ understanding of domestic abuse*. Available at: [https://safelives.org.uk/sites/default/files/resources/Hit\\_and\\_miss-Family\\_lawyers%27\\_understanding\\_of\\_domestic\\_abuse.pdf](https://safelives.org.uk/sites/default/files/resources/Hit_and_miss-Family_lawyers%27_understanding_of_domestic_abuse.pdf)



“you see, if you are gaslighted, you think you are going mad because you are literally being told the opposite of what you know to be the truth. [...] You lose all your perspective and sense of judgment and you become – effectively – the epitome of an unreliable witness.” A survivor supported by Al-Hasaniya shared that her lawyer not understanding this impact of trauma left her feeling disbelieved and unsupported.



**I felt my solicitor was like a police officer! She wanted to know from me the dates of incidents and said it was important otherwise the judge will throw the case out. I find it really hard to remember specific dates of incidents. The abuse was happening so regularly and so intense, I just can't pinpoint the dates. I felt like I was failing in not remembering and felt that maybe even my solicitor doesn't believe me.”**

Survivor

We heard about a paradigm within the courts and within family lawyers' understanding of domestic abuse which deemed physical forms of abuse easier to understand, identify, and evidence than non-physical forms. Survivors are asked to identify the 'first, worst, and last' incidences of abuse, without a recognition of the patterns of coercive and controlling behaviour (CCB).

As highlighted in the Court of Appeal's recent judgement on domestic abuse: “[One] concern arose from an asserted need for the court to focus on the wider context of whether there has been a pattern of coercive and controlling behaviour, as opposed to a list of specific factual incidents that are tied to a particular date and time. Abusive, coercive and controlling behaviour is likely to have a cumulative impact upon its victims which would not be identified simply by separate and isolated consideration of individual incidents.”<sup>24</sup>

<sup>24</sup>. *Re H-N and Others (children) (domestic abuse: finding of fact hearings)*. [2021] EWCA Civ 448  
Available at: <https://www.judiciary.uk/wp-content/uploads/2021/03/H-N-and-Others-children-judgment1.pdf>

### Knowledge gaps highlighted by family lawyers themselves included:

- ✓ understanding risk, particularly with regards to CCB;
- ✓ identifying abuse and responding appropriately to disclosures;
- ✓ understanding the short-, medium-, and long-term impact of trauma on survivors and how that might affect their ability to give best evidence and their presentation in court;
- ✓ an awareness of the dynamics of domestic abuse and how power imbalances can affect adult and child victims' safety;
- ✓ the impact of domestic abuse on child victims and the risks posed to them by a perpetrator;
- ✓ understanding the potential for the misuse of so-called parental alienation theory or 'alienating behaviour' as a counter allegation by perpetrators of abuse;

✓ understanding the realities behind common myths and stereotypes about domestic abuse;

✓ recognising perpetrator tactics and resisting collusion with perpetrators;

✓ recognising the role and value of other agencies involved in a survivors' life, including Idvas (Independent domestic violence advisors).

We heard that too few lawyers recognised what it might feel like to be a survivor of domestic abuse in the Family Courts, where inappropriate responses to survivors of domestic abuse by those in positions of authority can mirror the dynamics of the abusive relationship.

We asked legal practitioners and domestic abuse professionals whether, in their experience, family lawyers tend to understand what a trauma-informed response is and, additionally, whether they tend to feel comfortable implementing one. The consensus was that they do not.

Definitions of a trauma-informed practice vary but it is widely talked about as a shift from asking “what is wrong with you?” to asking “what happened to you?” Menschner and Maul (2016) state that this involves: “realizing the widespread impact of trauma and understanding potential paths for recovery; recognizing the signs and symptoms of trauma in individual clients, families, and staff; integrating knowledge about trauma into policies, procedures, and practices; and seeking to actively resist re-traumatization (i.e., avoid creating an environment that inadvertently reminds patients of their traumatic experiences and causes them to experience emotional and biological stress).”<sup>25</sup>



**There’s literally, in the family courts, zero understanding of being trauma-informed – zero,”**

Survivor

A trauma-informed approach to domestic abuse includes understanding that a survivor might be presenting or acting in a certain way as a coping mechanism resulting from their experiences. It means seeing the whole person and centring the survivor rather than seeing them as a problem or responding to their trauma as a tick-box exercise. In the family justice system, as in many other sectors, it means reducing the number of times a survivor might have to retell their story and seeking to form a basis of connection and trust before asking them to recount painful experiences which might make them feel scared, overwhelmed, or ashamed.

It’s important to allow survivors of domestic abuse to choose their own language and tell their story in the way that works best for them: for example, asking “how did that make you feel?” instead of “didn’t that make you angry?”, or “where would you like to start?” instead of “start at the beginning and tell me everything that happened.” One academic even highlighted simple acts lawyers can take, such as calling the client at the agreed-upon time, and telling the client that they believe them.

The question of lawyers’ understanding and implementation of a trauma-informed approach is not one of making survivors a bit more comfortable in what is a fundamentally uncomfortable process; it is a question of whether adult and child survivors are able to become safe and have access to justice at all.

When survivors of domestic abuse receive a response from lawyers which is not trauma-informed, they can take the decision that the family justice system is not safe for them. We heard from survivors that a non-trauma-informed approach can lead to them feeling disbelieved by the very people who are meant to be ‘on their side,’ with domestic abuse not raised or identified and allegations minimised. Survivors told us about a lack of trust in their lawyers, or being made to feel stupid when they didn’t understand legalistic jargon or processes.

Many survivors felt lost or abandoned, like their solicitor did not care about them, and we heard how stressful it can be to have to chase lawyers for updates on a case which, to them, is another file in a large pile of work, but to survivors is their and their child(ren)’s entire life. Ultimately, inappropriate responses to domestic abuse can result in painful and re-traumatising experiences for survivors of domestic abuse, and in unsafe judgements which leave both child and adult victims at continued risk of harm.



**How many solicitors are responsible – you know, directly or indirectly responsible – for women going back?”**

Survivor

25. Menschner, C., & Maul, A. (2016). *Key Ingredients for Successful Trauma-Informed Care Implementation*. Available at: [http://www.chcs.org/media/ATC\\_whitepaper\\_040616.pdf](http://www.chcs.org/media/ATC_whitepaper_040616.pdf)

A survivor told us that, had their lawyers understood trauma-informed practice, it “would have helped them not to victim blame. I really didn’t need that from my own representation – they’re supposed to be in your corner.” One respondent from a public sector body who had been a solicitor echoed that, saying they would have “really welcomed trauma-informed training as a lawyer [because] a lawyer can be the first person who might be on [the survivor’s] side.” Solicitors from a family law firm agreed, telling us “that’s one of the biggest areas that lawyers need support in.”

Ultimately, survivors of domestic abuse told us that they did not expect their lawyers to be able to ‘wave a magic wand’ and ‘fix’ the family justice system’s approach to domestic abuse overnight. But knowing their lawyer was on their side and doing their best, with a good understanding of domestic abuse and a trauma-informed approach, was hugely impactful to them. One survivor explained that her lawyer had challenged the judge in a case when they noticed allegations of domestic abuse were being minimised; the survivor recognised the professional risk her lawyer had taken and knew the lawyer was doing their best for her.



**We’re not asking you to do everything. You’re not going to be able to do everything! You just need to get your bit right.”**

Survivor

## The authentic voice of survivors

In focus groups supported by The Lioness Circle, survivors of domestic abuse repeatedly raised the importance of listening to survivors. They highlighted that training is important, but “you’re never going to understand it properly without knowing, listening to, someone who’s been through it.” Participants in the focus groups were pleased to hear about the centring of survivor voice within the training, calling for all family lawyers to listen to the victims.



**Who feels it, knows it.”**

Survivor



**These solicitors don’t understand what it feels like to be actually abused. Probably that’s why they struggle, in terms of the advice.”**

Survivor



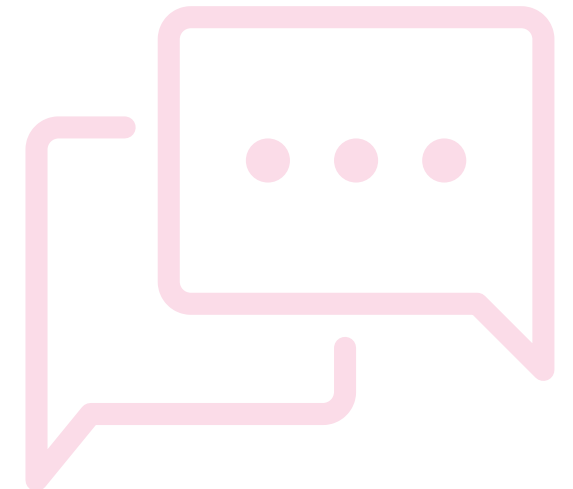
**They should start speaking to children, how are they affected by it?”**

Survivor



**If you can’t handle it [hearing from survivors], you shouldn’t be in that position.”**

Survivor



They pointed to the resource that is lived experience among professionals: many who work in the legal sector as lawyers, judges, and other court officers will have experienced domestic abuse, either in their households as children, or in their own intimate relationships. One participant raised the way their friend, a survivor of domestic abuse and a lawyer, spoke about domestic abuse and how this differed to the participant's own lawyer's approach, recognising the value of lived experience in representing survivors. Survivors called for those in the legal sector with lived experience of domestic abuse to be recognised and supported, lifted up to be able to use their authentic voice to enact change within the Family Courts' approach to domestic abuse. They suggested that some survivors of domestic abuse may want to seek out lawyers who are open about their own lived experience, on the basis that they will understand what it is truly like to be a survivor within the Family Courts.

Finally, they highlighted the resourcefulness of survivors of domestic abuse and the potential survivors have to stand up and make a difference when they are supported to get safe and recover from their experiences.



**Look how much survivors can do with just a little bit of healing – imagine what you could do with more support.”**

Survivor



## Engaging with those who harm

Our research found that family lawyers frequently did not know how to identify, evidence and resist perpetrator tactics. We heard that lawyers are unlikely to recognise the ways that they themselves can be manipulated by a perpetrator, or be used as part of the abuse. One survivor told us that, in her experience, perpetrators are “very manipulative, they’re very charming, most of the time, they’re very intelligent. [...] They know how to get people to agree with them,” including by manipulating their own lawyers, and even the survivor’s.



**Being able to spot that you are being manipulated as a professional as well, being able to call [it] out.”**

Survivor



**We know how they do use the court room, it’s really their crowning glory, it’s like they’re the king of that kingdom.”**

Survivor

The research findings highlighted the need for training to prepare lawyers for working with perpetrators of domestic abuse. Solicitors at a third-sector organisation told us about being on the receiving end of a perpetrator’s abusive tactics when the perpetrator is representing themselves, as a litigant in person: they told us they wished they had known how to protect themselves and understand the wider context when facing a perpetrator representing themselves. Another solicitor had experienced a perpetrator of domestic abuse repeatedly complaining about her to professional bodies and her colleagues, as part of his attempts to undermine her client’s case.

Not only does this knowledge gap impact lawyers’ well-being and their ability to act in their client’s best interests, but it can increase the risks to the children involved in a case and the safety of the final orders.

## So-called ‘honour’-based abuse

In an interview with a representative from a public sector body, they told us that the issue of the impact of domestic abuse on children can be “used as a football depending on which side” a lawyer is representing, and explained that lawyers representing the perpetrator might seek to minimise the impact of CCB, or highlight the absence of direct and/or physical abuse.

Without the ability to identify and describe the tactics a perpetrator might be using against them or their clients, there is a significant potential for lawyers to be manipulated by perpetrators of domestic abuse, or to inadvertently collude with them in their abuse of the primary victim.



**I’m pleased to hear about the training, you know, in terms of the perpetrator training.”**

Survivor

We asked domestic abuse practitioners about their experiences of clients accessing legal representation following experiences of so-called ‘honour’-based abuse (HBA). This was seen by practitioners as a specialist area of law; one interview participant told us that they would seek a trusted expert in this area of law if they were supporting a survivor who needed representation.



**You want someone who gets it, not gonna start talking to you about your culture or religion, understands what it’s about.”**

Domestic abuse practitioner

Outside of specialist firms, we heard that knowledge of so-called HBA was patchy: domestic abuse practitioners shared that this form of abuse is often hidden, both in the courts and in society as a whole. They said that, too often, lawyers did not have the ability to identify it in a client’s narrative and did not know what behaviours or forms of abuse may ‘count’ as so-called HBA.

## Existing domestic abuse training for family lawyers

In addition, lawyers frequently did not know about the range of specialist support services available to survivors of so-called HBA and so could not signpost clients to expert help.

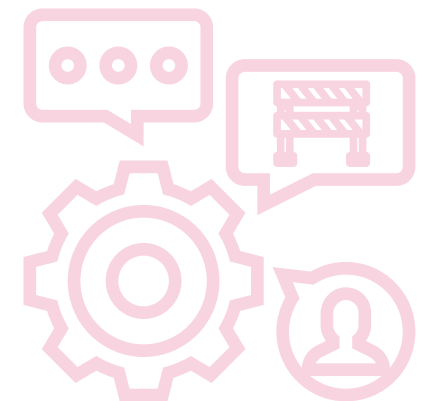


**Again, the thing is with ‘honour’-based violence is the complexity of families and the dynamics and again, women not really wanting to take it to a level where it will involve professionals because they feel like it won’t be understood.”**

Domestic abuse practitioner

These findings demonstrated a clear need for lawyers to build understanding of so-called HBA, of the barriers survivors face to disclosure, and of the legal framework around this form of domestic abuse. Without this knowledge and the ability to signpost survivors to specialist support, it is doubtful that many lawyers can effectively represent survivors of so-called HBA within the family courts.

In interviews with professionals from across the legal and domestic abuse sectors, we asked about existing domestic abuse training for family lawyers. We repeatedly heard that such training is rare and can be inaccessible. Where it does exist, courses tend to focus on the legal aspects of the Family Courts’ response to domestic abuse, for example, how to apply for protective orders or special measures. Several respondents had accessed vulnerable witness training, which again helped them to build understanding and skills around representing clients who face extra barriers to justice within the courts. However, we discovered a dearth of training around the dynamics of domestic abuse and the impact of trauma.





# 05.

## SafeLives' domestic abuse training for family lawyers

**In response to the wealth of survivors' experiences and evidence highlighted above, and the Family Harms Panel recommendation, we were delighted to be supported by the Legal Education Foundation to develop and pilot a cultural-change training programme to create systemic transformation within the family justice system and strengthen practitioner capacity to respond well to domestic abuse.**

We used the findings from the survivor focus groups, interviews with frontline domestic abuse practitioners, and interviews with stakeholders across the legal and domestic abuse sectors to inform the content of the training package. A number of family lawyers also directly supported the development of the course, advising around the legal and evidential requirements.

We developed and ran two 1-day 'Train the Trainer' sessions, training 12 trainers. In total, we delivered 23 sessions which were attended by 360 learners. We initially planned to focus on a specific local area for each block of pilot sessions (London, Bath and Bristol, and West Sussex). However, the lasting impact of the Covid-19 pandemic and various public transport strikes in 2022 led to us moving many of the training sessions online.

As a result, we opened up many of the sessions to learners from across the country, which increased the accessibility of the courses and allowed us to expand our reach.

The one-day course gives learners a strong theoretical basis to understand domestic abuse and coercive control, which is then situated within the legal framework and statutory response. The course introduces learners to the impact of trauma on survivors of domestic abuse and their ability to give best evidence, and are given practical tips which will empower them to implement a trauma-informed approach with clients and effectively communicate with the other legal professionals and multi-agency partners involved in a case.

The table below sets out our key findings from the research and how we addressed each in developing the training.

Key finding from our research	How we have addressed that in the training
Family lawyers' understanding of domestic abuse and CCB is "hit and miss." There is a lack of understanding around the dynamics of domestic abuse which can include an acceptance of stereotypes and myths.	The training presents a number of models for understanding and identifying domestic abuse, as well as covering key prevalence data.
The Courts prioritise physical forms of abuse over non-physical forms, including CCB. This then links to a lack of understanding around the risks involved with CCB and a limited ability to identify it within clients' narratives, especially when that language is not being used.	The training explores CCB in detail, both in statute and practice, giving learners the knowledge to identify patterns of abusive behaviours. The content covers evidencing CCB, and communicating this effectively to other professionals involved in a case.
Lawyers need to be able to signpost clients to specialist support to help them recover from the abuse.	The training points learners towards a range of resources for identifying appropriate local services for their clients, as well as highlighting the value of specialist support in enabling survivors to give best evidence.
Lawyers lack an in-depth understanding of trauma and its impact on recall, presentation, and a survivors' ability to give best evidence. As a result, they cannot practise with a trauma-informed approach, and therefore they can contribute to the re-traumatising effect the family courts have on many survivors of domestic abuse.	The course includes a section focussing on the impact of trauma on the brain, and the signs that someone may be experiencing trauma. This includes how trauma may affect recall and presentation. Learners are introduced to best practice within a trauma-informed approach to representing a survivor of domestic abuse in the family courts.

Key finding from our research	How we have addressed that in the training
There is a lack of recognition of the impact of the family courts on survivors of domestic abuse, and how it might feel to go through the justice system as a survivor.	The section on trauma considers elements of survivors' experiences in the family courts and how they can contribute to the re-traumatising effect that many experience. While the programme cannot address issues like the limited amount of time a lawyer will be able to spend with a client, or the limited fees they receive for legal aid work, the training covers the practical recommendations survivors had for family lawyers' practice, and shares the good practice we were able to identify in survivors' experiences. This section also looks at how different and multiple forms of discrimination can intersect to further impact survivors' traumatic experiences. In particular, the course looks at the added barriers to reporting and seeking help which Black, Asian and racially minoritised survivors face, and how experiencing racial trauma can exacerbate the trauma of the abusive relationship.
There is a common lack of understanding within the courts regarding the impact of domestic abuse on children and the risks a perpetrator poses to their safety and development.	The training covers the impact of domestic abuse on children in the household and demonstrates the relevance of findings of domestic abuse to decisions around child residency and contact. In setting out the legal framework of domestic abuse, it is made clear that children are now recognised as victims within their own right, whether or not they have been directly injured or used in the abuse.
We identified a lack of understanding around the use of the so-called theory of parental alienation, and the weaponisation of allegations of alienating behaviours by perpetrators against victims of domestic abuse.	The content of the course looks at the impact of allegations of parental alienation on adult victims of domestic abuse – whose disclosure of abuse is disbelieved and minimised – and on child victims – whose voices, wishes and feelings are frequently ignored. This can result in unsafe judgements which allow the perpetrator to continue their abuse through contact and to pose an ongoing risk to the safety and wellbeing of the adult and child victims.

## Specialist courses

Key finding from our research	How we have addressed that in the training
<p>There is a gap in lawyers' understanding around the role of other agencies involved with survivors of domestic abuse and of Idvas (Independent domestic violence advisors), in particular.</p>	<p>The content covers the role that specialist domestic abuse services can play in supporting a client to disclose and recover from the abuse. In particular, the Family Court Idva role is explained and set within a context of helping the survivor to give best evidence, without expecting lawyers to take on the provision of domestic abuse expertise and support.</p>
<p>Black, Asian and racially minoritised survivors of domestic abuse face specific and additional barriers to disclosure and effective legal representation within the family courts.</p>	<p>The course looks at the added barriers to reporting and seeking help which Black, Asian and racially minoritised survivors face, and how experiencing racial trauma can exacerbate the trauma of the abusive relationship. The training also raises the importance of taking an intersectional approach, recognising the ways that a range of identity markers, including race and ethnicity, sexual orientation, gender identity, nationality or immigration status, and disability, can 'intersect' to exacerbate experiences of oppression and trauma.<sup>26</sup></p>
<p>Lawyers do not know how to identify, evidence, and resist perpetrator tactics. This means they cannot effectively represent a victim of domestic abuse against the perpetrator, or, when representing the perpetrator, may inadvertently collude with them in their continued abuse.</p>	<p>Given the breadth of knowledge which lawyers need to be able to recognise and resist the ways which perpetrators might seek to manipulate them, this section of the training was developed into a half-day specialist course for those who had already attended the full-day session (see below).</p>
<p>Few lawyers have the specialist understanding required around so-called 'honour'-based abuse, including a lack of knowledge about the forms of abuse which so-called HBA may include, and a lack of awareness of the specialist support services available to survivors of this type of abuse.</p>	<p>In order to dedicate the time required to adequately cover this form of abuse and the legal framework around it, a half-day specialist course was developed and made available to those who had already attended the full-day session (see below).</p>

Following the interviews with domestic abuse practitioners and focus groups with survivors, we identified two key gaps in family lawyers' knowledge which we decided warranted follow-on, half-day sessions to cover in the depth necessary. Once learners had attended the core, full-day course, they had the opportunity to attend the specialist sessions, the first focussing on engaging with perpetrators of domestic abuse, and the second on so-called 'honour'-based abuse.



**I think it's really important that solicitors have some basic training in domestic abuse. My ex was a master manipulator and a charmer. He was representing himself and even though I knew my solicitor is on my side, I think everyone should understand these abusers' tactics better."**

Survivor

The specialist session on engaging with perpetrators of domestic abuse was developed by Luke Kendall, a specialist trainer and consultant on domestic abuse and working with perpetrators. The half-day course begins with an introduction to the legal framework, prevalence and dynamics of domestic abuse, and learners are then introduced to characteristics which a perpetrator of coercive and controlling behaviour (CCB) may display, including minimising and denial, and a sense of entitlement. The content covers stances that professionals can take when working with perpetrators of domestic abuse, recommending a 'neutral' position in lieu of a persecutory one, or one which colludes with the perpetrator's abuse, in a bid to increase accountability and positive feelings towards behaviour change.

<sup>26</sup> Kimberlé Crenshaw's concept of 'intersectionality' was introduced in Crenshaw (1989), *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, and provides a framework for understanding how different forms of oppression and discrimination can combine and overlap to create specific impacts and dynamics.



# The content covers stances that professionals can take when working with perpetrators of domestic abuse.

The training then looks at the limited visibility of perpetrator services in the wider response to domestic abuse, and points learners to key resources to find local services relevant to any perpetrator clients they work with.

SafeLives commissioned Meena Kumari, founder of H.O.P.E., to develop and deliver the specialist session on so-called 'honour'-based abuse (HBA). The half-day course introduces learners to the wide range of forms of domestic abuse which can be motivated by so-called 'honour', including forced marriage, female genital mutilation, and so-called 'honour killings' (domestic homicide), as well as forms which are less widely discussed, such as breast ironing, virginity testing, and transnational marriage abandonment. Learners are also invited to see how domestic abuse crimes with which they may be more familiar (for example, CCB, stalking and harassment, threats to kill, and physical and/or sexual abuse) can fall under the 'umbrella' of so-called HBA.

Following this, the course looks at risk assessments and potential indicators with the aim of empowering lawyers to identify so-called HBA in clients'

**The course looks at risk assessments and potential indicators with the aim of empowering lawyers to identify so-called HBA in clients' narratives.**

narratives, and at the extra barriers that survivors of so-called HBA may face in disclosing the abuse and seeking help. The content covers existing definitions of so-called HBA, as well as covering recent legislative developments around child marriages, and legislation around Forced Marriage. Learners are introduced to a long list of support services specifically for people experiencing so-called 'honour'-based abuse, allowing them to signpost any clients who need it to specialist help. Finally, the half-day ends with practical tips and 'Dos and Don'ts' for engaging with clients who are or may be experiencing so-called HBA.



# 06.

## Evaluation of the training

**In total, we delivered 23 sessions which were attended by 360 learners.**

Due to the lasting impact of the Covid-19 pandemic and various public transport strikes in 2022, we delivered many of the training sessions online, which increased the accessibility of the course and allowed us to expand our reach. Several sessions were run 'in house' with individual solicitors' firms, while others were open to any family lawyer in England and Wales. Most of the learners (71%) who completed the evaluation described their role as being a solicitor (including Senior Solicitor, Associate Solicitor and Senior Associate Solicitor), while 12% described their role as Barrister and 8% as Partner.

According to learners' self-evaluations, our domestic abuse training for family lawyers had a substantial, positive impact across each learning outcome, and 90% would recommend the training to a colleague; over half (58%) rated the training 10/10. Lawyers told us that the training was informative and will improve their practice.<sup>27</sup>

<sup>27</sup> The full evaluation is available on our website: please see the QR code at the end of this report or visit <https://safelives.org.uk/DA-Family-Lawyers-Training-Programme>.



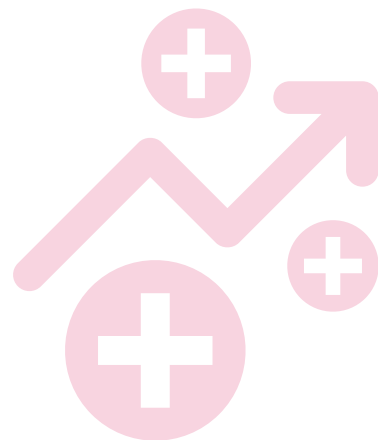
**I feel I will be much better placed to support survivors. This course has taught me so much. It is a step back to re-look at how we all work.”**

Learner

Evaluation findings from all three training products show the training led to an increase in reported levels of knowledge across all outcome areas, with the majority of learners willing to strongly recommend the training and feeling the learning would have a large impact on their practice moving forward. For learners attending the core domestic abuse awareness training, an increased understanding of trauma and how to implement a trauma-informed approach to practice came through as the most significant take-away. For learners attending the specialist sessions, both appeared successful in improving specialist knowledge around their area of focus.

While feedback from the specialist sessions suggests there is a need for further training around these topics – particularly in improving confidence around safely engaging with domestic abuse perpetrators to avoid collusion, and practicing a trauma-informed approach with victims of so-called “honour”-based violence and abuse – the findings still show learners perceived an improvement in their knowledge and awareness of these areas.

Overall, learners said it will make a difference to their practice moving forward and the training for family lawyers appears to have had a substantial, positive impact.



## Core training

We asked learners to rate their knowledge before and after the core training across a number of objectives based on the knowledge gaps identified in our research with lawyers and survivors of domestic abuse.

Learners reported considerable increases in perceptions of knowledge, and the majority said the training will have a ‘very large’ or ‘extremely large’ impact on their interaction with clients and response to victims of domestic abuse, moving forward.

This positive impact can be seen across all the learning objectives, in particular around learners’ understandings of the trauma caused by domestic abuse, and how to practise a trauma-informed approach with victims and survivors of domestic abuse. This was evidenced in both the substantial increase in reported levels of knowledge around the topic, and the number of open-text responses which refer to having finished the course with an increased understanding of trauma. Encouragingly, several respondents detailed how they would work to take a trauma-informed approach with clients moving forward.

### Learners reported greatly enhanced knowledge of domestic abuse and its impact

- ✓ Following the training, nearly all (98%) learners said they were ‘very’ or ‘extremely’ knowledgeable about the different forms of domestic abuse, and how to describe and identify them, more than double the pre-training figure.
- ✓ 95% said they had a strong understanding of the impacts of abuse on survivor’s mental health and how this can present, including an understanding of trauma coping mechanisms following training, more than triple the pre-training figure.
- ✓ 94% reported a strong understanding of the risks to adult and child victims of domestic abuse, more than double the pre-training figure.

**Learners reported considerable increases in perceptions of knowledge.**

✓ 92% said they had a strong understanding of trauma and practices that can re-traumatise victims and how to avoid these, more than four times the pre-training figure.

✓ 90% reported a strong understanding of the gendered nature of domestic abuse by the end of the training, including how intersectionality impacts on experiences of abuse and help seeking, more than triple the pre-training figure.

✓ 90% said they had a strong understanding of the impact of domestic abuse on children and young people, almost double the pre-training figure.

**90%**  
**said they had a strong understanding of the impact of domestic abuse on children and young people**

**Learners told us the training would have a lasting impact on their practice**

✓ 89% said they had a strong understanding of how to practise a trauma-informed approach to representing victims of domestic abuse, five times as many compared with before the training.

✓ 84% reported strong levels of confidence in their ability to respond to domestic abuse, more than double the pre-training figure.

✓ When asked whether they thought the learning would change the way in which they interact with clients, almost four-fifths of learners (78%) stated the training would have a 'very' or 'extremely' large impact.

✓ The majority (85%) of learners also said the training would have a 'very' or 'extremely' large impact on their ability to respond to victims of domestic violence or abuse in a more informed way.

Objective	Before	After	Change
Knowledge of the different forms of domestic abuse and how to describe and identify them	45%	98%	115% ↑
Confidence in being able to respond to domestic abuse and domestic abuse disclosures as a matter of routine practice	34%	84%	146% ↑
Understanding the gendered nature of domestic abuse and how intersectionality impacts on experiences of abuse and help seeking	29%	90%	212% ↑
Understanding both direct and associated risks of domestic abuse to clients and their children	45%	94%	110% ↑
Recognise the impact that domestic abuse has on children and young people, whether they experience it directly or indirectly	46%	90%	95% ↑
Understanding of the importance of a multi-agency working, particularly with frontline domestic abuse professionals to support clients' safety	33%	89%	171% ↑
Understanding of the impact of new case law and statute on how the court understands and responds to coercive and controlling behaviour	35%	86%	147% ↑
Understanding of the impacts of abuse on survivors' mental health and how this can present, including an understanding of trauma coping mechanisms	28%	95%	234% ↑
Understanding of trauma and practices that can re-traumatise victims and how to avoid these	22%	92%	309% ↑
Understanding how to practice a trauma-informed approach to representing victims of domestic abuse	18%	71%	400% ↑

In written responses, learners most frequently raised three main themes when commenting on the impact of the training and their own improved ability to respond to domestic abuse:

knowledge of domestic abuse and coercive and controlling behaviour; developing a trauma-informed approach; and improved multi-agency working.

## Knowledge of domestic abuse and coercive and controlling behaviour (CCB)

Many learners talked about gaining a 'holistic' knowledge of domestic abuse and coercive and controlling behaviour from the training, including the different types of abuse, and the impacts on all areas of victims' lives.



**I am now much more aware of the need to understand the totality of the client's experience and impact of DA upon all areas of their lives."**

Learner



**The need to focus on coercive control when considering the entire domestic abusive picture."**

Learner



**A lot more understanding of the different forms of abuse; how to recognise and evidence different forms of abuse; understanding the importance of coercive and controlling behaviour, and the shift that has occurred from focus on physical abuse."**

Learner



Where learners came to the course with existing knowledge of domestic abuse, they described feeling the course had added to this by helping them to understand the experience of abuse from the perspective of the victim.



**I now have a really good understanding of the point of view of the DA victim."**

Learner



**It has helped me to see the position more from the victim's point of view and not just from the perspective of having a job to do."**

Learner

Some learners reflected on anxieties they held around working with victims and the perceived weight of responsibility. They shared how the learning would improve their confidence when working with clients who have experienced or are experiencing abuse.



**I was always conscious that I was at a disadvantage because of not being able to predict the outcome. But reassured that I can inform the process and create a positive experience."**

Learner

## Developing a trauma-informed approach

The most significant theme across responses related to trauma and the development of a trauma-informed approach to supporting clients who have experienced domestic abuse. Most learners described an improved understanding of the impact of the trauma caused by domestic abuse and coercive and controlling behaviour. This understanding appeared to go beyond a recognition of the immediate impacts of domestic abuse, to an awareness of the impact of trauma on how clients may present and how they might experience and engage with the legal process.



**The different way individuals can react to their trauma and the impact it may have on the way they engage.”**

Learner



**More mindful of difficulties clients face in sharing their story and how their presentation might be misinterpreted by others.”**

Learner



**Clearly understanding the abuse cycle and how people respond. I have previously been dismissive of some people’s testimony because of how they have responded to situations.”**

Learner

This improved understanding led many learners to discuss changing their approach to working with clients, moving from a legal (or ‘evidence-first’) approach to a trauma-informed (or ‘victim-first’) approach.



**Try to encourage a client to disclose the history of their relationship in a way that is comfortable for them, rather than asking them to recite things in chronological order. Once detailed information has been taken, can then work with the client to put in chronological order.”**

Learner

Responses framed the former as focused on gaining as much of the necessary evidence as possible during the first interaction with the client, expecting clients to share their story in a way that is of most use to the legal process: clear, chronological and without missing information. Learners reflected on this approach as being one of ‘sticking to the script’. In contrast, learners described a trauma-informed approach as being more flexible and ‘human.’

A number of learners raised specific strategies they had acquired to support them in taking up a trauma-informed approach, including sensory questioning and empowering clients through providing information and offering choices.



**I will have more empathy and give [clients] more time to provide information if they appear to be struggling. A lot of my clients are very emotional when talking about abuse in any form and the course has given me a greater depth of understanding how they are likely to be feeling when they open up to me. I may be the first person they have opened up to and I must respect that.”**

Learner

## Improved multi-agency working

Several learners described an increased awareness of the external support and services available for victims of domestic abuse, and how this awareness had led to a recognition of the importance of a multi-agency response. This increased awareness meant that learners thought they would be more confident in signposting or referring clients to the appropriate services.



**I will be very aware of other support they may have e.g. [Idvas] and the importance of talking to them.”**

Learner



**Understanding the need for a multiagency response.”**

Learner



**I will have a more client focussed approach in terms of sign posting them for additional support during the proceedings and following the conclusion of the proceedings.”**

Learner

A few responses contained reflections on how this increased knowledge of services also meant an increased understanding of the limitations of these services and what could be expected of them.

# 89%

**of learners said they had a strong understanding of red flags and concerning behaviours**

## Specialist courses

Feedback from the specialist session on engaging with perpetrators of domestic abuse suggests the most impactful element of the session was on learners' perceptions of specialist knowledge, including knowing specialist services to signpost and refer clients to.

Feedback does suggest the need to further develop the training to build understanding around engaging with a domestic abuse perpetrator to avoid collusion. This is reflected in both the lower level of change in perception of learners' knowledge around this outcome, as well as learners' lower levels of confidence in the session changing the way they interact with clients who use abusive behaviours, versus with clients who are victims of domestic abuse.

However, the majority of learners still thought the training would have a 'very large' or 'extremely large' impact on the way they interact with clients who use harmful behaviour.



**Now that I have had the training it provides me with great insight and a better approach to helping and understanding clients.”**

Learner

### Following training:

- ✓ Nearly all (95%) learners reported a strong understanding of the risk factors for intimate partner violence, more than triple the pre-training figure.
- ✓ 89% of learners said they had a strong understanding of red flags and concerning behaviours of perpetrators and how to identify these to assess counter allegations, more than double the pre-training figure.
- ✓ 78% reported a 'very' or 'extremely' good awareness of support services available for those who are using harmful behaviour and what this specialist support is, more than twelve times the pre-training figure.

# 84%



**were willing to strongly recommend this specialist session to a colleague**

After the session, almost half (47%) said they had a strong understanding of how to safely engage with a domestic abuse perpetrator to avoid collusion. However, although this is a considerably lower proportion than the other outcomes, it still represents an increase of 800%, as only 5% of learners said they had a strong understanding in this area before training.

More than four out of five learners (84%) were willing to strongly recommend this specialist session to a colleague, with three quarters (74%) giving the training a score of ten out of ten.



**More compassion – as well as holding them accountable there needs to be a willingness to listen/engage.”**

Learner

When asked whether they thought the learning would change the way in which they interact with clients who use harmful behaviour, almost two thirds (63%) stated the training would be ‘very’ or ‘extremely’ impactful on their practice. Learners were asked to elaborate on this answer, and the responses contained: praise for the training; reflections on increased insight and context; and an anticipated change in approach which would balance accountability with engagement and understanding.

The majority (79%) of learners also thought the training would be ‘very’ or ‘extremely’ impactful on their ability to respond to victims of domestic violence or abuse in a more informed way. As with the previous question, learners were asked to elaborate on this answer: responses reflected how the increased understanding of perpetrators would lead to an improved response to victims.



**I can appreciate how a person reacts to a pattern of controlling and coercive behaviour which leads them to adapt their own behaviour so as not to provoke the other party.”**

Learner

Learners who attended the specialist session on so-called ‘honour’-based abuse again reported the biggest impact on their specialist knowledge, including why victims may not want to report the abuse or leave the abusive relationship. Learners felt less confident in understanding how to practise a trauma-informed approach with victims of so-called “honour”-based and abuse, suggesting learners might need more support in applying this framework to their practice. Nevertheless, they still thought the training would have a large impact on their interactions with clients and their response to victims moving forward: nearly all (12/13) learners were willing to strongly recommend the training to a colleague, with the majority (9) rating the training 10/10.



**Better understanding of the issues and signs and risk factors.”**

Learner



**I would most definitely recommend this training. I think everyone should have it.”**

Learner



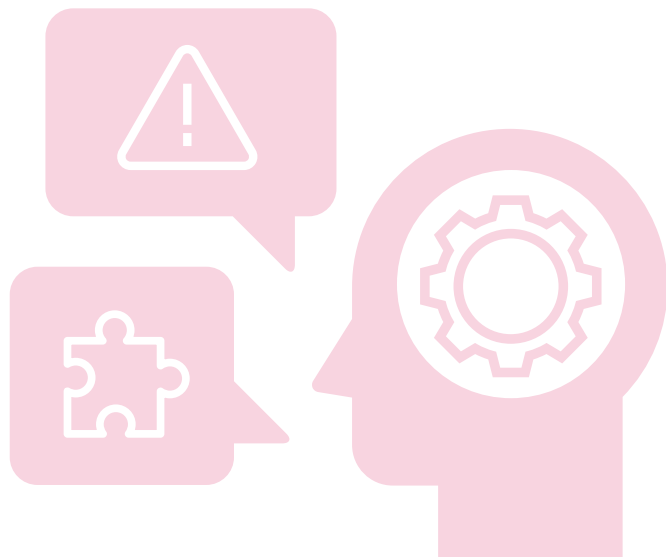
When asked whether they thought the learning would change the way in which they interact with clients, most learners (10) stated the training would be ‘very’ or ‘extremely’ impactful. Learners were asked to elaborate on this answer; responses reflected perceptions of increased specialist knowledge of so-called ‘honour’-based abuse, as well as specialist services to signpost clients to.

All learners said the training would be ‘very’ or ‘extremely’ impactful on their ability to respond to victims of so-called ‘honour’-based violence or abuse in a more informed way. As with the previous question, learners were asked to elaborate on this answer; the responses again reflected perceptions of increased specialist knowledge, as well as how this might lead to improved responses to victims.

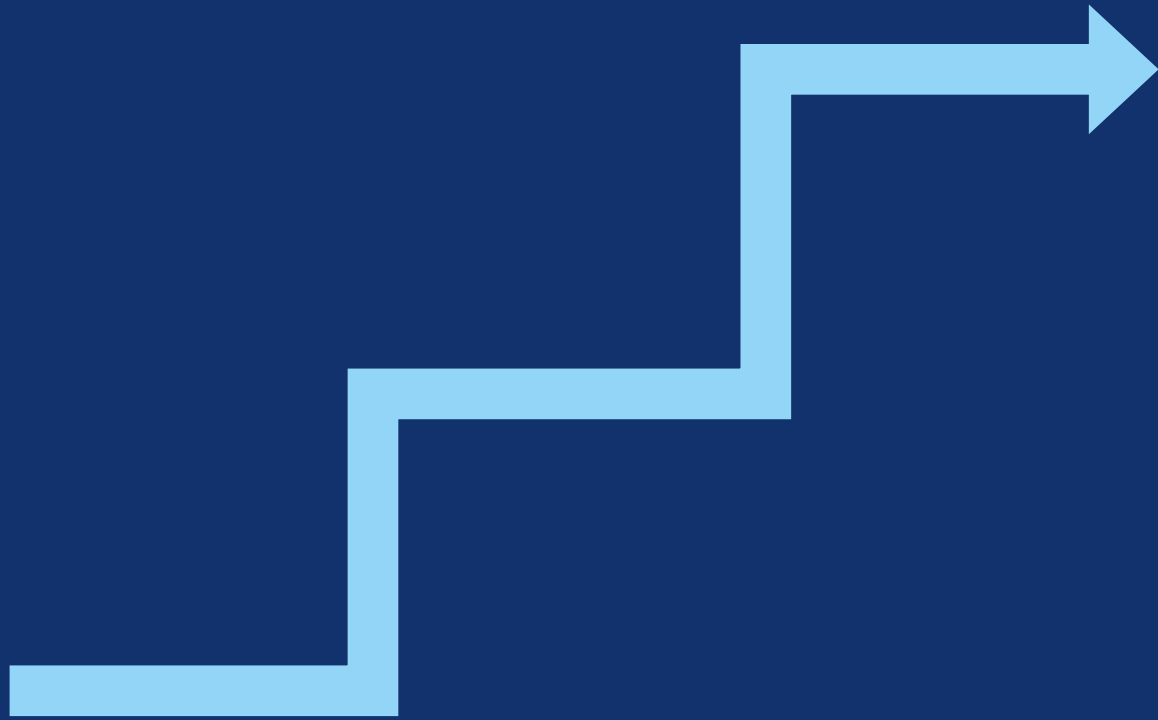


**More confident to raise issues and try and tease information from clients and help them realise that they are in abusive situations.”**

Learner



	Objective	Before	After	Change
<b>Engaging with those who harm</b>	Knowledge of diverse types of domestic abuse perpetrators	37%	84%	129% ↑
	Understanding of the risk factors for intimate partner violence	26%	95%	260% ↑
	Ref flags and concerning behaviours of perpetrators, and how to identify these to assess counter allegations	33%	84%	167% ↑
	Safely engaging with domestic abuse perpetrators to avoid collusion	5%	47%	800% ↑
	Awareness of support services available for those using harmful behaviour and what this specialist support is	6%	74%	1300% ↑
<b>So-called “honour”-based abuse</b>	Knowledge and understanding of the definitions and theory of so-called ‘honour’-based abuse	2/12	9/12	350% ↑
	Understanding of the links between so-called ‘honour’-based abuse and coercive and controlling behaviour	3/13	11/13	267% ↑
	Understanding of the risk indicators for so-called ‘honour’-based abuse	2/13	11/13	450% ↑
	Understanding around why victims may not want to report the abuse or leave the abusive relationship or situation	5/14	12/14	140% ↑
	Knowledge of national & local services who support victims and survivors of so-called ‘honour’-based abuse	0/14	11/14	
	Understanding of how to practise a trauma-informed approach when representing victims of so-called ‘honour’-based abuse	3/14	6/14	100% ↑



**The results of the evaluation clearly demonstrate the impact and value of the training programme, leaving learners more confident in their ability to effectively and sensitively represent survivors of domestic abuse.**

# 07.

## Next steps

We know that lawyers cannot single-handedly address the many issues with the treatment of domestic abuse within the family courts that the Ministry of Justice Family Harms Panel and the Domestic Abuse Commissioner have identified, among others.

However, when survivors know that their lawyer believes them, is on their side, and understands the dynamics of domestic abuse and its impact on both adult and child victims – in short, implements a trauma-informed approach to their practice – it can make the world of difference.



The report that I gave in the first meeting that was used for other solicitors and for my divorce solicitor. So instead... that was a really good thing. So, I didn't have to go through it again and again, and again. It was like, 'well, you've done it once we'll take that and use that for other situations' kind of thing, which I was really thankful for that I didn't have to sit down and go through these things again, and again."

Survivor



[My solicitor] didn't magically pave me the golden pathway to an amazing court experience and a judgement that I was over the moon with. It was horrific and awful and horrendous. But actually, to have somebody sort of by my side the whole time going, 'I know this is awful. I know this isn't what you want, but this is the reality, and this is the law, and this is how we can try and navigate this.'"

Survivor



[My solicitor] recognised post-separation behaviour of [the] perpetrator as abuse, understood the gendered nature of DA and was aware of current research / statistics, warned me about gender bias of some judges and professionals, and advised me on how to manage that, always replied back and logged all communication between us, all of my concerns were taken seriously and I was allowed to build my own case, which was very empowering."

Survivor

Following the success of the pilots, we will continue to offer regular 'open courses' for family lawyers to attend. More information and upcoming dates will be available on our website (please scan the below QR code). We encourage lawyers to attend this evidence-based domestic abuse training in order to build their understanding and ensure they can practise a trauma-informed approach to representing survivors of domestic abuse.



The course is also available for solicitors' firms, chambers, and Inns of Court to book in-house sessions for their staff and members to attend. Please see the webpage (via the QR code) for up-to-date contact details or contact us at [info@safelives.org.uk](mailto:info@safelives.org.uk)

## **SafeLives**

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