

Domestic Abuse Perpetrator Programme & Practice Direction 12J – Article by Christopher Ferguson

Recently I have been involved in some cases where an abusive father has been referred to the DAPP (or the Domestic Violence Perpetrator Programme, as it used to be known). This can surely be an important feature in the programme of potential progress for a family where a father has been found to pose the sort of risk envisaged by paragraphs 32 – 37 of PD 12J.

When representing a parent who has been found to have been abusive, it can be particularly helpful for them to be able to be referred to this programme by a court order, pursuant to a recommendation from Cafcass. In fact, sometimes there may be few constructive alternatives if one is to pursue a relationship between the parent and child that involves direct contact. There is no cost to be met in the context of a Cafcass referral and the ultimate report from the programme's organisers tends to carry substantial weight both with Cafcass and the court.

The courts seem to put considerable faith in the programme, with judges saying openly to abusive parents (usually the father in my experience, but other practitioners may know of cases where an abusive mother has been on such a course) that if they merely pay lip service to the programme they will be sure to be found out. I would welcome the observations and opinions of fellow practitioners who have had experience of cases involving DAPP referrals.

My limited feedback so far has reflected a mixed reaction to the system. Sometimes it has clearly been very successful all round. I have rarely seen anyone thrown off the course (again the experience of others would be interesting) although I have seen midway reports that refer to the organisers having seriously considered such a possibility. I have also seen Cafcass officers tell courts at the outset that if the abusive parent shows good progress during the programme (usually approximately weekly for up to about 6 months in total) then they would seriously consider recommending some

supervised or supported direct contact at a directions hearing even before the programme has actually finished.

It is against this background that I am wondering about the experience of other practitioners with DAPP and the attitude of courts and Cafcass to it in different areas of the North East. What is its overall success rate, or on the other hand – its “reoffending” rate? I recently had a case where the concluding report from the DAPP organiser (“The Change Project” on this occasion) reflected clear misgivings in spite of some reported progress in the latter stages. The mother was evidently anxious and unsurprisingly, Cafcass was not willing to recommend immediate direct contact of any sort. The court, however, was prevailed upon to allow the abusive father to go through the course a second time, albeit this time at his own expense. Cafcass accepted this (but would not fund it) and the organiser duly agreed to arrange it. Have others had similar experiences, I wonder?

I look forward to the profession’s pearls of wisdom.

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