



The Bar Council

Tackling violence against women and girls – why family courts are key

About us

The Bar Council is the voice of the barrister profession in England and Wales. We lead, represent and support the Bar in the public interest, championing the rule of law and access to justice. Our nearly 18,000 members – self-employed and employed barristers – make up a united Bar that aims to be strong, inclusive, independent and influential. As the General Council of the Bar, we're the approved regulator for all practising barristers in England and Wales. We delegate our statutory regulatory functions to the operationally independent Bar Standards Board (BSB) as required by the Legal Services Act 2007.

Summary of recommendations

As part of its manifesto, the government pledged to halve violence against women and girls (VAWG) in a decade as part of its wider mission to halve serious violent crime.¹ Although it is often considered solely a criminal issue, hence the strapline of 'Safer Streets'², many instances of VAWG take place within the home and, sometimes, comes only before the family courts.

This briefing sets out why the family justice system must be a key part of any strategy for tackling VAWG, and presents the following recommendations for policy change and resourcing:

1. VAWG must be accurately measured and recorded
2. Pilot the national reporting and review mechanism
3. Increase legal aid funding in family law
 - a. Remove means testing for legal aid for alleged victims and survivors of domestic abuse
 - b. Bring all cases involving domestic abuse within legal aid scope for both parties
4. Sufficiently fund the rollout of the Pathfinder courts and the Family Drug and Alcohol Courts (FDAC) across England and Wales
5. Improve support for those going through the family justice system
6. Continue to support the Domestic Abuse Protection Orders and Notices (DAPOs and DAPNs) scheme
7. Provision of perpetrator programmes following admissions or findings of fact hearings
8. Better coordination between the family justice system and the criminal justice system

Defining violence against women and girls (VAWG)

VAWG needs a definition so that it is capable of being recorded and measured. Data is key to identifying the prevalence of VAWG but also to identifying solutions and paths to tackle VAWG.

¹ Labour Party [Manifesto 2024](#)

² Government's '[Safer Streets](#)' mission

But a definition should not be set in stone; it must be capable of changing and flexing so that as VAWG evolves, the recognised definition of it can also evolve.

Why is the family justice system important in tackling VAWG?

A well-functioning family justice system is vital for the prevention of VAWG. The extent to which VAWG occurs within family units and within relationships is well documented and plays out in the family courts daily. Studies have estimated that domestic abuse is highly prevalent within private law children cases. A small-scale study by Cafcass and Women's Aid Federation England in 2016 suggested that allegations of domestic abuse are present in up to 62% of such cases, meaning that there could be up to an estimated 32,400 private law children cases involving domestic abuse every year.³ More recently, the report published by the Domestic Abuse Commissioner on 14 October 2025, found overwhelming evidence of domestic abuse in most cases before the family court – 73% of hearings and 87% of case file reviews.⁴

The government's ambitious commitment to halve violence against women and girls must be underpinned by an understanding that VAWG is not inevitable. As well as tackling VAWG after it happens, policies must be formulated which focus on prevention and early intervention as a fundamental and integral part of the overall approach. A criminal justice response alone is inadequate; a family justice response must also be part of any package of measures.

How does family justice help prevent VAWG?

Family law provides a legislative basis for preventing VAWG. The range of powers of the family court to prevent VAWG include:

- **Injunctions:** including non-molestation orders and occupation orders, forced marriage protection orders and female genital mutilation (FGM) prevention orders
- **Private law proceedings:** orders regulating where and with whom a child should live, which can ensure that arrangements are safe and do not expose children and their parents to harm
- **Public law proceedings:** initiated by local authorities to protect children who have suffered, or who are at risk of, significant harm
- **International children proceedings:** to protect children in cross-border situations (Wardship/1980 Hague Child Abduction proceedings)
- **Financial remedy/divorce proceedings:** may provide sufficient financial support for women and children post separation

Family justice is underfunded, negatively impacting women and girls

Whilst there is a legislative basis in England and Wales for tackling VAWG through the family courts, we are concerned about the impact of inadequate funding for the implementation of these measures, meaning that women and girls are:

- Unable to secure appropriate and meaningful protection from VAWG

³ Cafcass and Women's Aid '[Allegations of domestic abuse in child contact cases](#)' 2017

⁴ Independent report by the Domestic Abuse Commissioner (Home Office) '[Everyday business: Addressing domestic abuse and continuing harm through a family court review and reporting mechanism](#)' 14 October 2025

- Subjected to ongoing abuse as family court proceedings can themselves become a vehicle for ongoing abuse in some cases

The lack of sufficient funding in key areas of the family justice system is hampering the system's ability to contribute to tackling VAWG. Many of the bodies and people that are integral to tackling VAWG are under-resourced, which impacts their effectiveness, including:

- **Lawyers and legal aid** – legal aid fees must be adequately resourced to ensure provision of early legal advice and the scope of legal aid should be widened to include both parties
- **Qualified Legal Representatives (QLRs)** – the QLR scheme is insufficient and widely recognised as not being fit for purpose
- **Family courts** – underfunding leads to delays in proceedings and an inability to adequately deal with allegations of domestic abuse – timeliness must be improved, and adequate resources are needed to assess and provide treatment for those found to have committed abuse
- **Local authorities** – there is a statutory obligation on councils to respond to VAWG, including providing services to a family or initiating public law proceedings, but the reported funding gap will impact their ability to fulfil this obligation

Our recommendations

1. VAWG must be accurately measured and recorded

VAWG should be defined in a way that is capable of being adopted, accepted and, crucially, measured by all. We have some idea of the scale of prevalence through the number of applications made for protection (including non-molestation orders and FGM protection orders). However, there is presently no single way of measuring VAWG across the full spectrum of family law cases, and indeed the broader justice system. A definition, however, must be capable of evolving as VAWG itself evolves.

VAWG, in the context of the family courts, can be measured by reference to the proportion of cases in the family court where concerns about domestic abuse or violence are in issue. Government statistics are available which provide an overview of the types of applications that are before the family court. It is possible to monitor the number of applications for which protection is sought by applications (eg domestic violence remedy orders such as non-molestation orders, occupation orders, forced marriage protection orders and female genital mutilation protection orders).

These provide a good insight into the scale of applications before the family court overall in relation to these issues, but they do not thereafter demarcate (a) the proportion of those applications which involved victims who are women and girls and (b) other types of applications (eg private law applications for contact orders and public law cases) where domestic abuse is perpetrated against women and girls. In other words, there is no available measurement of VAWG across the spectrum of family court applications. This must be addressed so that VAWG can be both defined and quantified.

2. Pilot the national reporting and review mechanism

There is no means by which the family court is able to assess whether decisions were, in fact, the right ones, unless proceedings begin afresh or something particularly terrible and newsworthy happens. Family court judges would be assisted by evidence-based research about the outcomes for children and parents who have experienced VAWG. The proposed national Reporting and Review Mechanism – first recommended in the 2020 Harm Panel report – is one way in which outcomes may be assessed.⁵ This was due to be piloted across 2024, but there have been no further updates since the announcement. We are now calling on the government to carry out this pilot.

3. Increase legal aid funding in family law

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) introduced new means testing that left approximately 15% of families eligible for legal aid. The reduction in scope plus the fact that the legal aid rate has not increased for nearly three decades, has led to difficulty in recruiting and retaining skilled family practitioners. This has resulted in swathes of the country becoming “advice deserts”.⁶

The withdrawal of legal aid has had a disproportionate impact on private law disputes concerning children following the breakdown of parental relationships. A February 2024 National Audit Office report found from January to March 2023, in 40% of family dispute cases neither the applicant nor respondent had legal representation.⁷ These are cases that often involve allegations of abuse, neglect, high conflict and, inevitably, high levels of distress for the parties and their children. Litigants in person (those representing themselves in court) increase the pressure on the court as it slows down the process as judges have to explain legal processes to the litigant in person, and time is taken up by the individual raising unarguable points, which – if they were advised and represented – would not be made.

a. Remove means testing for legal aid for alleged victims and survivors of domestic abuse

All victims and survivors of domestic abuse – whether in the criminal or family court – should be entitled to legal advice and representation. In May 2023, the Ministry of Justice introduced passporting for victims of domestic abuse on universal credit, meaning that they are not subject to means testing in order to access legal aid.⁸ We welcomed this development but called for recommendation 9 of the Domestic Abuse Commissioner’s Report to be fully implemented and all means testing removed for alleged victims of domestic abuse.⁹ This would provide critical support to them when navigating the legal system.

b. Bring all cases involving domestic abuse within legal aid scope for both parties

In addition, non-means tested legal aid should be made available to alleged perpetrators. This means legal representation for both parties – the alleged perpetrator and the complainant. Currently, in circumstances where the unrepresented alleged abuser wishes to cross examine their

⁵ Ministry of Justice ‘[Assessing Risk of Harm to Children and Parents in Private Law Children Cases](#)’ June 2020

⁶ Lexis Nexis [Legal Aid Deserts](#)

⁷ NAO ‘[Government’s management of legal aid](#)’ 9 February 2024

⁸ MoJ ‘[Access to vital legal support extended to millions of vulnerable people](#)’ 25 May 2023

⁹ Bar Council ‘[Slow steps of progress on widening access to legal aid](#)’ 25 May 2023

alleged victim, the court is required to find and appoint a qualified legal representative (QLR) to carry out the cross examination. However, there have been difficulties with many courts finding an available QLR in time. The role is a limited one and can be no proper substitute for full advice and representation throughout the proceedings.

4. Sufficiently fund the rollout of the Pathfinder courts and the Family Drug and Alcohol Courts (FDAC) across England and Wales

The Pathfinder courts, which have been successfully piloted, take an investigative and problem-solving approach to private law proceedings to improve the court's response to domestic abuse and enhance the voice of the child within proceedings. All new courts should be funded at least to the same level as the pilot courts.

The FDAC is an alternative family court for care proceedings. These courts are specially designed to work with parents who struggle with drug and alcohol misuse. Available data from FDAC shows that approximately 85% of parents have a history involving domestic abuse. This prevalence highlights how frequently domestic abuse co-occurs with parental substance misuse in the cases before the FDAC.¹⁰

Parents involved in FDAC proceedings are more likely to be reunited with their children and achieve abstinence from drugs and alcohol compared to traditional care proceedings.¹¹ Further rollout of FDAC should be investigated.

5. Improve support for those going through the family justice system

Specialist domestic abuse and child abuse support and assessment services should be provided for all members of the affected family. Special trauma-informed measures should be implemented in courts, including the provision of screens in all court buildings, separate routes into the court buildings and waiting areas; there should be trauma-awareness training for Children and Family Court Advisory and Support Service (Cafcass) and case progression officers; independent domestic violence advisors (IDVAs) should be trained in family justice, as well as criminal justice; and there should be adequate provision for supervised contact centres.

6. Continue to support the Domestic Abuse Protection Orders and Notices (DAPOs and DAPNs) scheme

This scheme was introduced as the "go to" tool to protect victims of domestic abuse. However, the current definition of domestic abuse requires both the victim and the perpetrator to be aged 16 years or over and personally connected, which means that it cannot be used to protect children under 16. Legislation is required to amend the definition and bring children within scope.

¹⁰ FDAC '[Annual Report 2022/23](#) October 2023; FDAC Quarterly Reports ([April-June 2024](#) and [July-September 2024](#)) – 83-84% of cases involved domestic abuse

Welsh Parliament '[Services for care experienced children: exploring radical reform - Family Drug and Alcohol Court supporting document](#)' 9 February 2023: "90% of parents had either a past or a past and present experience of domestic abuse at the start of the proceedings, either as a victim, a perpetrator or both."

¹¹ FDAC '[What does research say about FDACs?](#)'

Applications under the Domestic Abuse Protection Orders and Notices (DAPOs and DAPNs) scheme must remain free for complainants and the police, in order to give immediate and ongoing protection to victims of domestic abuse. There must be continued support for the DAPOs and DAPNs pilot schemes to enable immediate and ongoing protection of domestic abuse victims, including training for magistrates and judges.

7. Provision of perpetrator programmes following admissions or findings of fact hearings

The government and many in the sector recognise that engaging perpetrators is a valid strand of the response to tackling and halving VAWG in a decade. The Drive Project¹² (targeting high risk domestic abuse perpetrators with intensive case management) is working well and we welcome the stated commitment to expand the project with £53 million over the next four years across England and Wales.¹³

Beyond this project however, the picture is bleak. There is a real gap in the availability of accredited perpetrator programmes. Once a perpetrator has been identified, there is a limited number of places in a limited number of areas where a referral can be made. Many areas commission perpetrator programmes but the availability is non-existent or inconsistent with perpetrators being told they cannot access the programmes until all proceedings have concluded and then have to wait for at least 12 months to be eligible for a referral.

It is imperative for robust, accredited and affordable programmes that engage perpetrators to be made available across England and Wales.

8. Better coordination between the family justice system and the criminal justice system

There remains a disconnect between the family justice system and the criminal justice system when dealing with VAWG, with the key difficulty being that women and girls can find themselves trying to navigate two separate legal pathways which have different aims. The lack of coordination and communication between the two systems can lead to women and their children being left without the support they desperately need. For some women, escaping an abusive relationship is only the beginning of a much longer battle. Often, that battle plays out in the courtrooms where the criminal and family justice systems fail to align.

To protect women and girls effectively, there needs to be coordination between the family and criminal jurisdictions. Addressing VAWG requires more than just a conviction or punishment of individual acts of violence; there needs to be a holistic approach recognising the long-term impacts of abuse, as well as focusing on – and mitigating – the times when victims are required to revisit that trauma.

The Bar Council
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¹² The Drive Project '[About Us](#)'

¹³ MoJ '[Landmark package to pursue domestic abuse perpetrators](#)' 16 July 2025