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# REVIEW OF DOMESTIC VIOLENCE POLICIES IN ENGLAND & WALES

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## 1. INTRODUCTION

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Violence against women was recognised as a fundamental infringement of human rights in the 1993 United Nations Declaration on the Elimination of Violence against Women and was a major topic at the 1995 Beijing Fourth World Conference on Women (UN Women, 1995). The serious consequences of domestic violence have also been recognised by the World Health Organisation (Krug *et al.* 2002). Over the past 30 years there have been major changes in the national policy and comprehension of domestic violence in the United Kingdom driven and in response to advocacy and campaigning by the women's movement and non-governmental organisations providing services to abused women (Harvin, 2006). In the shadow of policy developments, since the late 1980s, the criminal justice system, in particular the police service has been involved in configuring justice responses to the problem of domestic violence (*ibid.*). Responses followed in the health and social care services policy arena. Many government and non-government institutions started commissioning research on domestic violence and formulating policy recommendations. At the end of the 1990s two events had a particular influence on the development domestic violence policy in the United Kingdom; first, the increasing interest in aligning UK policies with the strategic objectives agreed in the Beijing *Platform for Action* (UN Women, 1995) to promote the human rights of women, and secondly New Labour taking power in England (1997) with a manifesto commitment to take forward policy development to combat domestic violence. During the period between 1997 and 2010, the main focus of policy and legislation on domestic violence was on implementing measures based on prevention, protection and justice and the provision of support for victims of domestic abuse, to be implemented by partnerships of service providers at local and national levels. Interestingly, in formulating policy, the government defined domestic violence in a gender-neutral way. Since 2010, following the election of a Coalition government (Conservatives and Liberal Democrats), there is a shift in policy direction with increased focus on a more broad gender-based agenda to "end violence against women and girls" (Home Office, 2010).

Each of the four countries of the United Kingdom develops their own domestic violence strategy. Scottish policy is outlined in the Scottish Government and the Convention of Scottish Local Authorities (2009), '*Safer Lives: Changed Lives a Shared Approach to Tackling Violence against Women in Scotland*' and focuses on Prevention; Protection of victims; Provision of services and Participation of all agencies to ensure policy making and practice development around violence against women is informed by those who use domestic violence services. Recent initiatives in relation to domestic violence in Scotland are framed within meeting gender equality priorities. In Northern Ireland, the current strategy is set out in "*Tackling Violence at Home – A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland*" (DHSSPNI, 2005) and is supported by Action Plans up to 2012. In 2008 the Northern Ireland government published "*Tackling Sexual Violence and Abuse – A Regional Strategy*" (2008). These two strategies run in tandem and it planned that in March 2012 a joint Domestic and Sexual Violence and Abuse Action Plan will be published taking forward actions on a collaborative basis. In 2005 the Welsh Assembly Government published its first national strategy *Tackling Domestic Abuse: The All Wales National Strategy* supported also by yearly action plans. This was superseded in 2010 with the publication of "*The Right to be Safe*" which is six year integrated strategy for tackling all forms of violence against women and has an increased focus ensuring that "the whole violence against women agenda is tackled effectively" (Welsh Assembly Government, 2010, p.3).

This report details and focuses on England and aims to present the findings from the literature review of policy development and implementation in the last two decades in England. The development of national measures (legislation and policy) to combat domestic abuse is addressed chronologically. Responsibility for providing services to domestic violence victims is divided between a range of government bodies and other agencies featured in the report. Some of the obstacles in achieving an integrated domestic violence policy in England are highlighted.

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## 2. METHODOLOGY

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An exploration of electronic databases, websites and libraries led to more than 130 articles, books, reports related to domestic violence policy. The literature review encompasses:

- Peer-reviewed papers in academic journals
- Scholarly books focused on domestic abuse in the UK
- British government publications, guidance, discussion and policy papers
- Relevant websites and databases
- Newspaper articles, issued papers and the newsletters of relevant organisations
- Domestic violence guidelines for professionals in the field.

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## 3. DEFINITION

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English criminal law does not explicitly criminalise domestic violence (Platek, 2009). Until recently there was no shared definition of domestic abuse among all interested parties (Barnish, 2004). Lack of a common definition of domestic abuse has led to misinterpretations and hampered research and policy recommendations with different agencies and the government using a variety of different definitions (Cook *et al.* 2006). In 2004, government agencies agreed to the use of the following gender-neutral definition which views domestic violence as existing in a range of adult relationships:

*Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.*

An adult is defined as any person aged 18 years or over. Family members are defined as mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or step-family. The definition is supported by an explanatory text:

*The definition acknowledges that domestic violence can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse's or partner's property, their isolation from friends, family or other potential sources of support, control over access to money, personal items, food, transportation, the telephone and stalking. Violence will often be witnessed by children and there is an overlap between the abuse of women and abuse (physical and sexual) of children. The wide adverse effects of living with domestic violence for children must be recognised as a child protection issue. They link to poor educational achievement, social exclusion and to juvenile crime, substance misuse, mental health problems and homelessness from running away. It is acknowledged that domestic violence and abuse can also manifest itself through the actions of immediate and extended family members through the perpetration of illegal activities, such as*

*forced marriage, so-called 'honour crimes' and female genital mutilation. Extended family members may condone or even share in the pattern of abuse.*<sup>1</sup>

The UK Government is currently reviewing policy in this area and is utilising the United Nations Declaration's (1993) definition, namely:

*Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.* (Home Office, 2010)

The current government is consulting on whether to extend this definition to include younger people (Home Office, 2011).

## 4. THE DEVELOPMENT OF POLICY ON DOMESTIC VIOLENCE IN ENGLAND

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The Home Office is defined as the lead government department for the co-ordination of domestic violence policies and initiatives, providing guidance to other governmental departments and co-operating with non-governmental organisations to develop and implement policy. The Home Office provides undertakes research, provides information and releases statistics on the prevalence of domestic violence.

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### 4.1. Domestic Violence Policy Development in England 1990-2004

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From the beginning of the 1990s the approach taken by successive English administrations to address domestic violence has been to promote an inter-ministerial approach to policy development at a national level and multi-agency co-ordination at local level to implement policy and to provide services. This approach is in line with United Nations recommendations (United Nations, 1993) and mirrors policy development and implementation in other related fields (for example child protection and crime prevention) and was supported in 1992 by a House of Commons Home Affairs Committee (1992) on Domestic Violence. Local level inter-agency co-ordination to tackle domestic violence was called for in a Home Office Circular published in 1995, and the establishment of local domestic violence forums in which police, social services, housing services, probation, health services, legal professionals, and a range of voluntary agencies work together in local communities to tackle domestic violence.

Inter-ministerial consultation on domestic violence paved the way for the publication of *Living without Fear: An Integrated Approach to Tackling Violence against Women* in 1999 (Home Office and the Women's Unit of the Cabinet Office). While many hoped that this would set out a comprehensive national strategy on domestic violence (Hague, 2005), the government at this time chose to position itself as supporting locally driven and non-governmental sector multi-agency initiatives, "adding value to and supporting this work" (Home Office, 1999, Executive Summary), rather than taking a leading role in combating domestic violence. The central

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<sup>1</sup> Available at: [http://www.cps.gov.uk/publications/prosecution/domestic/domv\\_guidance.html#a01](http://www.cps.gov.uk/publications/prosecution/domestic/domv_guidance.html#a01)

government role was framed firmly in terms of implementing criminal justice measures and crime reduction. Further guidance for local areas was published in 2000, namely, *Domestic Violence: Break the Chain Multi-Agency Guidance for Addressing Domestic Violence* (Home Office, 2000). In June 2003 the Home Office published a policy consultation paper *Safety and Justice: The Government's Proposals on Domestic Violence* following wide-ranging consultation with and advocacy by a number of parties including survivors of domestic violence arguing for a more pro-active approach (Hague, 2005). *Safety and Justice* (2003) detailed the extent of domestic violence in England, the impact on victims and the wider costs to society and introduced the government's proposed strategy for tackling domestic violence based on three elements, prevention, protection and justice and support for victims to rebuild their lives. It also proposed legislative and non-legislative changes to the way domestic violence is dealt with in England and Wales and suggested a range of new measures including multi-agency reviews of domestic violence murders; criminalising breach of non-molestation and occupation orders and extending their availability; making common assault an 'arrestable' offence; giving victims the status of vulnerable/intimidated witnesses; registration of domestic violence offenders, and specialist domestic violence courts (Home Office, 2003). *Safety and Justice*, in contrast to the majority of previous public sources, recognised not only female victimisation in domestic abuse but also female perpetration (George & Darwood, 2003). In December 2003 '*The Summary of Responses to Safety and Justice: the Government's Proposals on Domestic Violence*' was published, accompanied by the publication and introduction into Parliament of the Domestic Violence, Crime and Victims Bill and later Act (2004).

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#### **4.2. Recent Domestic Violence Policy Development in England 2005-2011**

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The 2005 Home Office publication of *Domestic Violence: A National Report* marked a shift in central government policy. Noting the contribution to date of statutory and voluntary organisations, it announced that "the Government has now become a full member of that partnership" (p.3) working in the field of domestic violence. The National Report (2005) made seventeen commitments to support and develop public services to respond proactively to domestic abuse and included support of new measures including Specialist Domestic Violence Courts and Independent Domestic Violence Advisers. The *National Domestic Violence Delivery Plan* (2005) set out objectives focusing on the reduction of the prevalence of domestic violence and domestic violence related homicides; increasing the rate domestic violence is reported to the police and brought to justice, and the provision of support and protection to victims. Performance indicators were listed to measure progress in these areas, with yearly reviews timetabled and annual progress reports were published in the period 2006-9. Although this could be seen to be the first major step in national planning in which the government took a clear lead, criticisms were made of this approach. The Sixth Home Affairs Select Committee Report on Domestic Violence (2008) faulted the process of policy implementation, in particular that policy was "disproportionately focused on criminal justice responses at the expense of effective prevention and early intervention" and called for a more direct focus on violence against women more generally and an increased emphasis on prevention<sup>2</sup>.

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<sup>2</sup> Available at: <http://www.parliament.the-stationery-office.co.uk/pa/cm200708/cmselect/cmhaff/263/26304.htm>

A subsequent government consultation paper *Together we can end violence against women and girls* (2009) focused more explicitly on actual violence against women and girls, noting the fear of domestic abuse and its impact on people's everyday lives. It made fresh proposals regarding prevention, supporting victims and bringing perpetrators to justice and finally (Home Office 2009b).

Following a change in the administration in 2010, the English government introduced a new consultation criticising the previous administration for adopting a "top-down" approach to domestic violence and calling for more localised responses to the problem emphasising prevention, provision of support to victims, partnership working and risk reduction, signalling a return to the approach taken before 2005. It focuses firmly on gender based violence and including so called "honour based" violence and female genital mutilation (*Call to End Violence against Women and Girls*, 2010). The consultation also recognised that men and boys could be victims of domestic violence and the impact of domestic abuse on families and children. In March 2011 a new action plan *Call to End Violence against Women and Girls: Action Plan* was published setting out immediate and longer term priorities for action and the responsibilities of different government departments and framing policy development within an equalities and prevention framework with a distinct and new focus not only on adults but also on the protection of children from domestic and gender based violence within families, schools and from harmful material on the internet. It is backed by a £28 million fund to support the provision of specialist services for victims and prevention work.

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#### **4.3 Recent Policy relating to the impact of domestic abuse on children 2000-2011**

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After 2000, policy development increasingly recognised the inter-relationship between domestic violence and the abuse and neglect of children. *The Framework for the Assessment of Children in Need and their Families* (Department of Health, 2000) noted the impact of domestic abuse on parenting capacity. The *Every Child Matters Outcomes Framework* (Department for Children, Schools and Families, 2003) set targets that children affected by domestic violence are identified, protected and supported. *The National Service Framework for Children, Young People and Maternity Services* (2004) highlighted the serious effects on children who witness domestic violence. *A Vision for Services for Children and Young People affected by Domestic Violence* (Local Government Association, The Association of Directors of Social Services, Women's Aid and CAF/CASS, 2005) provided guidance focused on meeting the needs of children affected by domestic violence within the planning of integrated children's services and this was strengthened by subsequent publication of *Working Together A guide to inter-agency working to safeguard and promote the welfare of children* (2006, revised 2010) which contains statutory and non-statutory guidance to public agencies to work together in relation to domestic violence to protect children, including unborn children; empower mothers to protect themselves and their children; and to identify the abusive partners, hold them accountable for their violence and provide them with opportunities to change.

## **5. RELEVANT LEGISLATION**

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There are a range of civil remedies and criminal offences which are relevant in cases of domestic violence. Legislation has been developed to offer protection to victims and to children who witness domestic violence.



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## 5.1. Civil Law

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The 1970s saw the emergence of some civil remedies for domestic abuse including the Domestic Violence and Matrimonial Proceedings Act (1976)<sup>3</sup> and the Domestic Proceedings and Magistrates' Courts Act (1978) (Harne, 2008). This early legislation introduced equal protection to victims whether married or unmarried (Hague, 2005; Harwin & Brown, 2000) and included non-molestation and ouster orders<sup>4</sup> but were limited in their scope. Moreover, magistrates tended to interpret orders restrictively, and judges were reluctant to apply ouster orders, viewing this solution as excessive (Edwards, 2000). Domestic violence was also included in the Housing (Homeless Persons) Act of 1977. Victims of domestic abuse (with responsibility for children) were classified as 'in priority need', which obliged the local authority to provide accommodation (Harwin & Brown, 2000).

From the 1990s more significant legislation began to be developed, superseding earlier legislation. A Family Homes and Domestic Violence Bill was introduced to Parliament in 1992 but failed to pass, resulting in increased advocacy, especially from the women's movement, for new legislation. The Family Law Act (1996), Part IV sets out civil law remedies concerning the rights of occupation a non-owning spouse or civil partner; the court's powers to regulate occupation of family home; the court's duties to make certain orders and the court's powers to grant non-molestation orders (molestation being defined as violent, or pestering, or threatening behaviour or harassment). A non-molestation order can be applied to a broad range of people (a new category of *associated persons*<sup>5</sup>) in order to prevent further violence to the applicant or children. Ex-parte orders (Section 45) can be made taking into account the risk of significant harm but the court must allow the respondent to make representations as soon as just and convenient. Breached orders are subject to the power of arrest (Section 47). Under the previous legislation the power of arrest was more discretionary (Harne, 2008). Harne (2008) and Burton (2009) argue that the criteria for occupation orders are more restrictive than the former "ouster" order, as the court needs to take into account the conduct of two parties. Overall, this Act offers protection to a wider range of women, in more situations and for longer periods of time than earlier legislation (Hague, 2005; Burton, 2009). The Civil Partnership Act 2004 (section 82, Schedule 9) amends Part IV of the Family Law Act 1996 so that the same provisions apply to civil partners as to married couples. The Protection from Harassment Act (1997), which extends to both civil and criminal law, deals with violence from outside the home. Whilst the Protection from Harassment Act 1997 was originally designed to combat the problem of stalking, it is used by those who cannot apply for any order under the Family Law Act 1996 (Smartt, 2006). The Protection and Harassment Act 1997 is useful when dealing with post-separation harassment or violence with a non-cohabitant partner and for stalking (Harne, 2008). Hague (2005) argues that limitations of this Act are that it did not include occupation orders, or consider children; or the possibility that the attacker is a close relative (e.g. father, son or brother).

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<sup>3</sup> Repealed and replaced in 1997

<sup>4</sup> A non-molestation order restrains the defendant from interfering with the plaintiff, while an ouster order requires one person to vacate the house and not return to the property for a certain period of time (Family Law Act, 1996).

<sup>5</sup> Associated persons – s. 62 (3) FLA 1996- includes spouses/civil partners; former spouses/civil partners; cohabitants/ former cohabitants; live in the same household (not lodgers, tenants, employees); relatives; engaged couples; intimate personal relationship with each other of significant duration; parents of a child; or both have parental responsibility of a child.



Housing legislation with provisions for victims of domestic violence also developed from the 1990s. The Housing Act (1996) broadened the definition of homelessness for those who are eligible for accommodation, including victims of domestic violence and articulating this explicitly. This legislation provides for housing assistance to victims by engaging with their landlords (supported housing), who can take special measures to assure the accommodation (Smartt, 2006). The Homelessness Act (2002) broadened the definition of violence to include all types of violence, not only domestic violence (Smith, 2003). Moreover, the provision of safe accommodation for victims of domestic violence has become a priority for local authorities who have been obliged to generate the homeless prevention strategies for victims of domestic abuse (Netto *et al.* 2009). In April 2003 the 'Supporting People' housing programme for vulnerable people was launched and specifically included victims of domestic violence within eligible groups which could be supported by local authority area based grants (Department for Communities and Local Government, 2003). In 2006, new schemes including 'sanctuary schemes' and 'panic rooms'<sup>6</sup> were developed as placing a victim in temporary accommodation was recognised by some as less expensive (*ibid.*). However, this approach is criticised as it cannot make security and surveillance as the main policy response (Squire, 2007).

Despite the fact that there is considerable research evidence pointing to potential impact of domestic violence on children's and young people's physical, mental and emotional health (Worrall *et al.* 2008), English legislation regarding the protection of children witnessing or living in contexts of domestic abuse has been relatively slow to develop. The major legislation regarding children, the Children Act 1989, which covers both public law (child protection) and private law (arrangements after relationship breakdown) did not explicitly acknowledge the risks and practical problems faced by women and children experiencing domestic violence. It did provide some level of intervention by local authorities if a child or children were assessed as being in need (under section 17) and for child protection intervention (under section 47) if a threshold of significant harm was reached. It was not until 2002 that The Adoption and Children Act 2002, amended the definition of significant harm provided by the Children Act 1989, by adding a new category of "impairment suffered from seeing or hearing the ill-treatment of another" recognising the impact of domestic abuse on children. This legislation also enabled courts to remove a suspected child abuser from his or her property, as a part of an application for an Emergency Protection Order or Interim Care Order (Smartt, 2006). The Children Act (2004) promoted a multi-agency approach to local service delivery. This Act promoted consultation among different parties (e.g. schools, health services) regarding children's safety and calls for closer cooperation between children's services and the police in the identification and investigation of domestic abuse (Children Act, 2004). Harne (2008) highlights concerns relating to ensuring confidentiality given that this legislation enables a broader network of agencies and parties to possess information on children and their families.

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## 5.2. Domestic Violence, Crime and Victims Act (2004)

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The Domestic Violence, Crime and Victims Act (2004) was hailed as "the biggest piece of legislation on domestic violence in over 30 years" (Home Office, 2005, p.3). It extends protection offered by civil law to victims of domestic violence by making the breach of a "non-molestation" order made under Part IV of the

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<sup>6</sup> The sanctuary scheme is defined as a possibility for the victim to remain in the accommodation by setting up additional protection measures (e.g. internal doors, safety glass, smoke alarms as well as immediate delivery of legal solutions under Family Law Act 1996 etc.) (Netto *et al.* 2009)

Family Law Act 1996 a criminal offence, dealt with by the criminal as opposed to the civil courts and with a maximum penalty of 5 years (Section 1, implemented from July 2007). It also extends the availability of injunctions to same sex couples and to those who, while not living together, have or have had “in an intimate relationship of significant duration” (Section 4). Section 12 of the Act (implemented from September 2009) amends previous legislation relating to restraining orders (section 5 of the Protection from Harassment Act 1997) allowing courts to make restraining orders on conviction or acquittal for any criminal offence based on ‘balance of probability’ evidence if there is a need for an order to protect a person or persons. These orders are intended to be both preventative and protective.

A new offence deeming that all members of a household aged 16 or over may be liable for the offence of causing or allowing the death of a child or vulnerable adult is introduced (Section 5). The women’s movement in the UK is concerned about this section of the Act, noting that “a woman who has been intimidated, threatened or otherwise abused may have been unable to intervene when the perpetrator’s abuse of a child resulted in death; but despite this will be held equally guilty of a homicide she was powerless to prevent” (Women’s Aid, 2011).

Protection for victims and witnesses is extended by the introduction (from April 2006) of a statutory Victims’ Code of Practice and a Commissioner for Victims and Witnesses (Section 32). The Act also introduces (from April 2011) statutory multi-agency domestic homicide reviews when anyone over 16 years dies of violence, abuse or neglect from a relative, intimate partner or member of the same household (Section 9). This section aims to promote multi-agency learning to develop joint responses to protect victims and bears a resemblance to arrangements for statutory reviews following the serious injury or death of a child. The Act also introduced some measures which have now been superseded; including making common assault an arrestable offence (i.e. attracts a maximum of five years imprisonment or more).

Although the Domestic Violence, Crime and Victims Act (2004) set out very important measures, some of the proposals introduced in the *Safety and Justice* (2003) are absent from the Act (Hague, 2005). The Domestic Violence Crime and Victims Act (2004) did not include the criminalisation of the breach of an occupation order and or eliminate the time limits placed on such an order (Harne, 2008). Moreover, there are no solutions regarding the availability of legal defences to victims who kill the perpetrator or the situation of migrant women (*ibid*). Although the Act did not fulfil the expectations of all parties (mainly non-governmental organisations), it was accompanied by a funding commitment to national domestic violence helplines, internet services and refuge services (Hague, 2005). An early evaluation of the implementation of this Act (Hester *et al.* 2008) found limited progress in implementing its provisions had been made as well as presented some decline in the use of non-molestation orders and recommended on-going monitoring of the impact of the Act.

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### 5.3 Criminal Law

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Recognising domestic violence as a crime has become an increasingly important part of government policy on crime control (Radford, 2004). Young (1999) perceives this approach towards domestic violence policy as a criminalisation of social issues. The legal solutions adopted in the United Kingdom reflect the extent to which domestic violence has become increasingly recognised as a significant social problem. Although, current

criminal law does not explicitly criminalise domestic violence (Platek, 2009), the cost borne by society (estimated in 2010 to be £36.7bn per annum at a minimum (Home Office, 2010) is one driver for changing policy and legal responses. In the event that civil remedies fail, the criminal justice system may step in by applying criminal sanctions including the following legislation (HM Court Service, 2007)

### **Criminal Law Sanctions**

Murder	Common law
Manslaughter	Common law
Breaches of Bail	Bail Act 1976 s6(1) (2) and (7)
Criminal damage	Criminal Damage Act 1971 s1 (1)
Common assault	Criminal Justice Act 1988 s39
Threats to kill	Offences against the Persons Act 1861 s16
GBH with intent	Offences against the Persons Act 1861 s18
GBH/wounding	Offences against the Persons Act 1861 s20
ABH	Offences against the Persons Act 1861 s47
Other	Offences against the Persons Act 1861
Harassment	Protection from Harassment Act s2(1) and (2), 4(1)
Affray	Public Order Act 1986 s3
Threatening behaviour	Public Order Act 1986 s4
Threatening behaviour with intent	Public Order Act 1986 s4(A)
Rape	Sexual Offences Act 1956 s1
Assault by penetration	Sexual Offences Act 2003 s2
Sexual assault	Sexual Offences Act 2003 s3
Other	Sexual Offences Act 2003
Theft	Theft Act 1968 s1
Blackmail	Theft Act 1968 s21
Witness intimidation	Criminal Justice and Public Order Act 1994 s51
Criminal trespass	Criminal Law Act 1977 s6(1)
Child cruelty	Children and Young Persons Act 1933 s1
Child abduction	Child Abduction Act 1984 ss1 and 2
Trafficking for exploitation	Asylum and Immigration (Treatment of Claimants, etc) Act 2004 s4, Serious Organised Crime and Police Act 2005
Trafficking for sexual exploitation	Sexual Offences Act 2003 ss57-60; Serious Organised Crime and Police Act 2005

The legislation applied depends on the circumstances and offence of the domestic violence. Annex E of the *Crown Prosecution Service's Policy for Prosecuting Cases of Domestic Violence* (2011) provides a detailed outline of types of behaviour that can occur in cases of domestic violence and that might amount to a criminal offence<sup>7</sup>.

There are two key problems concerning criminal law and domestic violence. First, criminal law may be seen as being more concerned with punishing the offender rather than helping the victim. Second, many people, such as neighbours, may be reluctant to become involved in what may be seen as a private matter between partners, and in the past the police were cautious about intervening in violent incidents resulting from domestic disputes. Recent policy developments supporting a pro-arrest approach have changed this picture to the

<sup>7</sup> Available at: [http://www.cps.gov.uk/publications/prosecution/domestic/domv\\_guidance.html#a17](http://www.cps.gov.uk/publications/prosecution/domestic/domv_guidance.html#a17)

extent that current government policy initiatives (Home Office, 2010) have noted that criminalisation may be at the expense of prevention work. Although criminal justice interventions are necessary, further remedies in relation to prevention and support of victims are seen to be needed.

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## 6. RESPONSES OF SELECTED GOVERNMENTAL DEPARTMENTS

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### 6.1 The Home Office, the Minister for Women & Equalities and the Government Equalities Office

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The Home Office is the lead government agency for publishing and co-ordinating policy and legislative developments on domestic violence and violence against women is seen as one of the key priorities in its agenda. The Equalities Office is a cross-cutting Home Office Unit and emphasising the current government's intention to "put equality at the heart of government"<sup>8</sup>. The Government Equalities Office and the Minister for Women and Equalities lead strategy across Government on issues related to violence against women. In 2009 the former Equality Office published a communications guidance and toolkit in order to strengthen the then government strategy and support governmental communication on domestic violence (Government Equalities Office, 2009). Since 2010, the role of Minister for Women and Equalities has been held by the Home Secretary. In developing recent policy, the Home Office published, in March 2011, *Call to End Violence Against Women and Girls: Equality Impact Assessment* which sets out how policy development in this area will be monitored for the next four years. The Home Office is also responsible for the police response to domestic violence and forced marriage (with the Foreign and Commonwealth Office). It also co-ordinates bids for funding for Sexual Assault Referral Centres (SARC), Independent Domestic Violence Advisers (IDVAs) Independent Sexual Violence Advisors (ISVAs) as well as Multi-Agency Risk Assessment Co-ordinators (MARACs) who will be considered in more detail later in this report.

#### 6.1.1 The Police Response to Domestic Violence

The police service is the primary agency in terms of protecting the public and preventing crime. According to Harwin and Barron (2000), initially, its policies in relation to domestic violence had little impact on tackling this issue. However, the first critical point came with a Home Office Circular in 1986, where more positive activities against domestic abuse 'through a pro-arrest strategy' were introduced (Harne & Radford, 2008). In 1990 the Home Office issued the Circular 60/90 in which the police were advised to recognise domestic violence as a serious crime and to introduce special domestic violence officers within the police services. In addition to this, police officers were encouraged to liaise with voluntary organisations. Police Domestic Violence Units were introduced in early 1990s and were consolidated at a national level (Harwin, 2006) with staff specially trained to help people experiencing domestic violence ('Domestic Violence Liaison Officers') (Smartt, 2006). These Units are now renamed as Community Safety Units. Police officers are tasked to work closely with other statutory and non-governmental organisations to prevent domestic violence (local Domestic Violence Forums, IDVAs, CPS, ISVAs etc.). The London Metropolitan Police Service for example has a Domestic Violence Working Group with representation from victim support organisations, advocacy services and other partners.

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<sup>8</sup> Available at: <http://www.equalities.gov.uk/>

The recent development by the police of approaches to assess risk in domestic violence cases is potentially important. After undertaking research, in 2009 the Association of Chief Police Officers accredited and adopted the Domestic Abuse, Stalking and Harassment and Honour-Based Violence Risk Identification, Assessment and Management Model (DASH) in order to identify and assess estimate the potential danger caused by domestic violence (Home Office, 2009a; Richards *et al.* 2008). The impact of this initiative is yet to be fully evaluated.

Currently there are proposals to extend police powers to respond proactively to domestic violence. A pilot of a Domestic Violence Protection Notices (DVPNs) (issued by the police) and Domestic Violence Protection Orders (issued by the courts- the so-called 'Go' order) under the Crime and Security Act 2010 is planned for 2011-2 in three police areas. DVPNs give the police the power to prevent alleged abusers from having contact with the victim, or returning to the victim's home, for 48 hours. A court would then be able to extend the order for a period of up to 28 days in order to give victims the opportunity to make decisions about their own protection following a domestic violence incident (Home Office, 2011). Other measures proposed include improving the police response to stalking and promoting learning from other police services in Europe and internationally about their response to domestic violence (Home Office, 2011).

### **6.1.2 Independent Domestic Violence Advisors (IDVA)**

Independent Domestic Violence Advisors (IDVA) are funded by the Home Office and the non-governmental sector to provide specialist support to victims of domestic violence. Their role is defined as follows: "*Serving as a victim's primary point of contact, IDVAs normally work with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans. They are pro-active in implementing the plans, which address immediate safety, including practical steps to protect themselves and their children, as well as longer-term solutions.*" (CAADA, 2009). The proposal to develop experts in the provision of support to victims of domestic abuse (IDVAs) was initially made in the *Domestic Violence: A National Report* (2005) and the six years that followed this report have seen a rapid growth in this service, building on, to some degree, existing advocacy services. IDVAs undertake accredited training provided by Coordinated Action against Domestic Abuse (CAADA) to equip them for the role.<sup>9</sup> The first major multi-site evaluation of this role (Howarth *et al.* 2009) suggests that this is a very promising development which is making real inroads in managing risk and promoting victim safety and the role is congruent with developing a multi-agency response to domestic violence.

### **6.1.3 Independent Sexual Violence Advisors**

The Independent Sexual Violence Advisors (ISVA) provide independent support to victims of sexual abuse through the criminal justice process and are also funded by the Home Office. This relatively new service (set up in 2006) works with victims of sexual violence to provide practical, non-therapeutic support both to those victims who access the criminal justice service and those who do not pursue this experience further. ISVAs help victims to live without fear of violence and access the services they need in the aftermath of the abuse and violence they have experienced. The advisors are based in the Sexual Assault Referral Centres or within voluntary organisations (Robinson, 2009). ISVAs build on the experience developed by Independent Domestic Violence Advisors.

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<sup>9</sup> Available at: <http://www.caada.org.uk/training/training.html>

#### **6.1.4 Sexual Assault Referral Centres (SARC)**

Sexual Assault Referral Centres (SARCs) are safe locations where victims of sexual assault can receive an integrated service of medical help, legal advice and counselling from professionally trained staff. Once again, SARCs as a multi-agency approach brings together various legal, medical agencies and departments in one place which helps both the victims and those investigating the crimes. At present there are 29 sexual assault referral centres across England and Wales, with a further nine in development. Many referral centres are located in hospitals. For victims this type of centre helps to reduce the stress of dealing with the abuse. The government has signalled its intention (Home Office, 2011) to continue to fund and develop this service in partnership with local providers.

#### **6.1.5 The UK Human Trafficking Centre**

The UK Human Trafficking Centre is the first institution of its kind in Europe and is led by the Serious Organised Crime Agency (SOCA), an Executive Non-Departmental Public Body of the Home Office. The Centre coordinates and directs the country's law enforcement dealing with human trafficking. The Centre takes a multi-agency approach to human trafficking including academic experts, victim care organisations, representatives of the Crown Prosecution Service and the UK Border Agency. The Human Trafficking Centre provides also specialist advice and guidance to the police and partner agencies<sup>10</sup>.

#### **6.1.6 The Forced Marriage Unit (Home Office and Foreign and Commonwealth Office Joint Initiative)**

The Forced Marriage Unit provides information, guidelines and advice to government departments and professionals on dealing with the issue of forced marriage. Policy and practice has developed in this area since the publication of a national working group on forced marriage *Choice by Right* in 2000 and the National Action Plan on forced marriage. A national consultation was undertaken in 2005 and as a result the decision was taken not to put forward criminal legislation to deal with this matter but to develop civil remedies and to train and develop frontline professionals (the police, children and adult social care, health, housing and education professionals) to enable them to intervene proactively. The Forced Marriage (Civil Protection) Act, passed in 2007 makes available Protection Orders and civil remedies for victims. The Forced Marriage Unit subsequently published multi-agency guidance and e-learning resources for professionals<sup>11</sup>.

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## **6.2 Ministry of Justice**

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The Ministry of Justice is the government department responsible for criminal, civil and family justice, democracy, rights and the constitution and its remit includes safeguarding human rights. Its aims include protecting the public, reducing reoffending, and the provision of an effective, responsive and transparent criminal justice system for the public and victims and fair access to civil and family justice. Domestic violence policy and strategy cuts across each element of the justice system and the Ministry of Justice has a broad aim to increase the rate that domestic violence is reported and brought to justice and to make sure that victims of domestic violence are adequately protected and supported. Included within the governance of the Ministry of

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<sup>10</sup> Available at: <http://www.soca.gov.uk/about-soca/about-the-ukhtc>

<sup>11</sup> Available at: <http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/info-for-professionals>



Justice are the following institutions, namely: the Crown Prosecution Service, HM Courts & Tribunals Service; Probation Service and the Prison Service.

### **6.2.1 The Crown Prosecution Service**

The Crown Prosecution Service (CPS) prosecutes offences investigated by the police. The CPS response to domestic violence has been criticised in the past due to victim unwillingness to support the prosecution (Cretney, 1996). In consequence, CPS has improved its approach, taking more pro-active role in compiling the evidence and pursuing a prosecution without the victims' agreement. (Burton, 2009; Radford & Gill, 2006). In 2001, a network of domestic violence experts was established by the CPS. By 2006 there were 43 Crown Prosecution Service Domestic Violence Coordinators in post (Harwin, 2006). The coordinators work closely with other agencies in order to identify and share good practice and hold consultations with women's specialist services and other agencies to develop policy and guidelines. Moreover, all prosecutors have been trained in prosecuting cases relating to domestic violence. The CPS's Policy for Prosecuting Cases of Domestic Violence (2009) details its approach to deal with cases involving domestic violence. Other guidelines published by the CPS include *The Use of Expert Witness Testimony in the Prosecution of Domestic Violence* (2004) and *Guidance on Prosecuting Cases of Domestic Violence* and information leaflets for victims and witnesses<sup>12</sup>. There remains concern about the extent to which these measures are being implemented nationally. A recent thematic inspection (HMCPSI, 2009) recommended that the CPS should review the approach to applications for witness summons and warrants and develop guidance for areas in relation to its domestic violence policy to ensure consistent practice across England and Wales.

### **6.2.2 HM Courts & Tribunals Service**

HM Courts & Tribunals Service administers courts in England and Wales and provides administration and support for the Magistrates' courts, County Courts, the Crown Court, the High Court, and the Court of Appeal. Victims of domestic violence can apply for civil or criminal remedies. The legal choice depends on criteria including the severity and nature of the violence, the type of relationship between the perpetrator and victim, the burden of proof, the type of protection required by the victim (Smartt, 2006). Civil action can be taken in the County Courts, the Family Court (Magistrates' Court) and the High Court. Criminal remedies are available through the Magistrates Courts and the Crown Court. Witnesses and victims of domestic violence appearing in criminal courts can apply for special measures (*Code of Practice for Victims of Crime*, 2006) which include:

- being screened off from the rest of the court;
- giving evidence by live television links;
- allowing witnesses to give their evidence in pre-recorded interviews;
- having the victim's/witness's name withheld from the press (through CPS application);
- the public being asked to leave the courtroom when the victim is giving evidence (sexual offences or cases involving intimidation);
- deriving information from the Witness Liaison Officers who act as a main point of contact (Council of Europe 2007).

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<sup>12</sup> Available at: <http://www.cps.gov.uk/publications/prosecution/domestic/index.html>

Witness Care Units run jointly by the CPS and the police in all CPS Areas also offer support in order to minimise the stress of attending court and to provide victims and witnesses with up to date information.<sup>13</sup> HM Court Services has produced a guide for witnesses and victims *Domestic Violence – A Guide to Civil Remedies and Criminal Sanctions* (2007) which is available in 10 languages with the aim of increasing awareness of court process.

### **6.2.3 Specialist Domestic Violence Courts**

The idea of a holistic judicial approach towards domestic violence was adopted in the United States and Canada approximately twenty years ago. The first British specialist court was established in 1999 in Leeds (Cook *et al.* 2006). The aim of the Specialist Domestic Violence Courts (SDVCs) is to combine criminal and civil settings in order to deal with domestic abuse more effectively. The *Safety and Justice* consultation paper (2003) provided a major impetus to broaden the SDVCs activity in the United Kingdom. Specialist Domestic Violence Courts programmes were introduced as special measures to make the court process more user-friendly for domestic violence victims and bringing more perpetrators to justice. The programme started with 23 individual SDVC systems and the major idea is to refer to the approach as a whole system rather than a court building (Home Office, 2008). SDVCs take a multi-agency approach to domestic violence with criminal justice agencies, magistrates and specialist support services for victims working together in partnership. They aim to have a clear focus assessing and reducing the risk to victims and supporting victims through the court process. An early evaluation of this initiative (Cook *et al.* 2004) found that SDVCs “enhance the effectiveness of court and support services for victims; make advocacy and information-sharing easier to accomplish and that victim participation and satisfaction was improved” (p.4). By November 2010 there were 141 Specialist Domestic Violence Court Systems (SDVCs) nationally (Home Office, 2010) operating across England and Wales and the government has signalled its intent to develop this system (Home Office, 2011).

### **6.2.4 The Family Justice Review 2011 (Ministry of Justice) and Children and Family Court Advisory and Support Service (CAFCASS)**

At present (2011) Family Justice System is under review by the Ministry of Justice and the Department of Education Review with the aim “to produce a system which allows families to reach easy, simple and efficient agreements which are in the best interests of children whilst protecting children and vulnerable adults from risk of harm” (Ministry of Justice, 2011)<sup>14</sup>. One of the agencies under review is CAFCASS, an independent agency of the Department of Education, which was established under provisions of the Criminal Justice and Court Services Act (2000) to safeguard and promote the welfare of children involved in court proceedings. CAFCASS provides expert independent advice to courts on the interests of children involved in family proceedings. CAFCASS has been criticised by the regulator (OFSTED, 2008) for failing to take adequate account of domestic violence in private law work and in relation to delays in proceedings. It is proposed to replace CAFCASS with a new Family Justice Service managed by the Ministry of Justice (Family Justice Review Panel Interim Report, April 2011)<sup>15</sup>.

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<sup>13</sup> Available at: [http://www.cps.gov.uk/news/fact\\_sheets/witness\\_care\\_units/](http://www.cps.gov.uk/news/fact_sheets/witness_care_units/)

<sup>14</sup> Available at: <http://www.justice.gov.uk/about/moj/independent-reviews/family-justice-review/index.htm>

<sup>15</sup> Available at: <http://www.justice.gov.uk/about/moj/independent-reviews/family-justice-review/index.htm>

### **6.2.5 National Offender Management Service & the Probation and Prison Services**

The National Offender Management Service (NOMS) has responsibility for the development of accredited and effective domestic violence programmes for offenders subject to community sentences as defined by the Criminal Justice Act 2003 and prison sentences. From 2004, two accredited group work programmes (the *Integrated Domestic Abuse Programme* (IDAP) and the *Community Domestic Violence Programme* (CVDP)) have been offered in all 42 probation trusts in England and Wales. Failure to complete the programme will result in the offender being returned to court. Another intervention programme (*Healthy Relationships*) is offered in certain prisons<sup>16</sup>. Specified activities in the form of individualised programmes are also offered to perpetrators are also offered and new programmes are being developed by NOMS based on the latest research evidence. These programmes are provided with linked and limited women's safety work services for victims.

Current government policy (Home Office, 2011) focuses on how the prison and probation services can offer enhanced support to women victims of domestic abuse who are also offenders, including the provision of a framework of guidance, support and direction to all those working with women offenders and women at risk of offending with the aim of "enabling them to respond more effectively to those who have been affected by abuse or violence" (Home Office, 2011, Section 87).

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## **6.3 The Department of Health**

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The Department of Health is involved in the domestic violence policy making process concerning both public health (improving the health and well-being of the population and protection from serious ill health) and health service delivery.

### **6.3.1 The National Health Service**

Domestic violence has long been recognised as an important public health issue with significant implications for health service delivery in accident and emergency units, primary care, maternity services and mental health services (The Annual Report of the Chief Medical Officer for England and Wales *On the State of the Public Health* 1996; Davidson *et al.* 2000). Early policy and practice developments included the approval of routine antenatal inquiry about domestic abuse (*ibid.*), following advocacy by the women's movement. This practice initiative was supported by the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives (RCM) and the National Institute for Health and Clinical Excellence (NICE). It has been widely noted that the introduction of routine enquiry was much later than its introduction in the United States where this kind of process was been firmly established much earlier (Harwin, 2006, Peckover, 2002). In 2005 the Department of Health published a domestic abuse handbook *Responding to domestic abuse: A handbook for health professionals* which contained a significant amount of information on responding to and caring for women victims, including women with particular needs, minority or migrant women, older women, disabled women and lesbian and bisexual women (Department of Health, 2005). The importance of inter-agency cooperation as well as providing local information was emphasised. In 2006 the Department of Health and the National Institute for Mental Health in England (NIMHE) in partnership with the Home Office published *Tackling the Health and Mental Health Effects of Domestic and Sexual Violence and Abuse* setting out strategic priorities

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<sup>16</sup> Available at: <http://www.hmprisonservice.gov.uk/adviceandsupport/beforeafterrelease/offenderbehaviourprogrammes/>

for the health service for the next two years and reviewing policy development to date. The health service response to domestic violence was addressed in the Domestic Violence Annual Progress Report 2008-09. The need for raising awareness among practitioners and to provide measures for early identification and intervention were noted. The importance of `routine inquiry` about patients' experience of domestic experience not only in antenatal clinics, but also in mental health services and accident and emergency units was also highlighted (Home Office, 2009a). *Responding to violence against women and children – the role of the NHS: The report of the Taskforce on the Health Aspects of Violence Against Women and Children* (2010) offered further recommendations to improve health responses<sup>17</sup>. Although the National Health Service (NHS) is the service that the victims of domestic abuse are more likely to come into contact with at some point in their lives, it has been criticised for being tardy in developing responses in service settings (Peckover, 2002) particularly identifying victims with mental health problems (Sundari, 2008).

The current national Action Plan (2011) sets out current priorities for the Health Service which can be seen as having four distinct foci: awareness raising of domestic violence as a public health issue; training and developing the health service workforce to offer an improved standard of service to those experiencing domestic violence (e.g. training for health visitors to provide support to families when they suspect violence against women or children may be a factor); improving the quality of service provision and finally developing information and research frameworks. The Department of Health plans to work with the National Institute for Health and Clinical Excellence (NICE) to produce public health guidance on preventing domestic violence. Research agendas include the prevention of mental health impairment associated with exposure to violence; and early detection and prevention of recurrence in the following areas: sexual assault, gender and violence: exploring the NHS response; accident and emergency data sharing; violence against women and children; self-harming, and re-traumatisation (Home Office, 2011).

### **6.3.2 The Response of Health Service Professional Bodies**

The British Medical Association (BMA), the Royal College of Obstetricians and Gynaecologists (RCOG) and the Royal College of General Practitioners (RCGP) have all issued guidelines with tools to identify, manage and deal with ethical issues in domestic violence cases. The RCOG also published *Violence against Women*, where the role of obstetricians and gynaecologists, when dealing with domestic abuse, was presented (Stevens, 1997) as well as practice guidance and training in domestic violence in the post-partum period of domestic violence, alcohol and substance misuse. Recommendations regarding domestic abuse have also been produced by several professional groups and organisations including the Royal College of General Practitioners, the Royal College of Midwives, the British Association of A&E Medicine, the Royal College of Nursing; Community Practitioners, the Health Visitors Association and the Royal College of Obstetricians and Gynaecologists.

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## **6.4 Inter-Ministerial Groups**

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Inter-ministerial groups were first established in 1992, with the aim of promoting a coordinated approach towards domestic violence across government departments (Lewis, 1997). The approach was officially

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<sup>17</sup> Available at:

[http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/@ps/documents/digitalasset/dh\\_113824.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_113824.pdf)

sanctioned in 2003 and consisted of three Inter Ministerial Groups on Domestic Violence with representatives from government departments and other administrative branches<sup>18</sup> tasked with oversight of the then National Delivery Plan on domestic violence (Home Office, 2005; Radford & Gill, 2006). The Inter Ministerial Groups coordinated work across government on domestic and sexual violence issues which affects people across all age groups. For instance, the Inter-Ministerial Group on Domestic and Sexual and Domestic Violence comprised Health Minister, Finance Minister, Education Minister, Social Development Minister, Junior Ministers as well as Northern Ireland Office Criminal Justice Minister. The Inter-Departmental Group on Domestic Violence included all government units with an interest in the subject (e.g. the Lord Chancellor's Department deal with civil law solutions, the Department of the Environment is responsible for housing regulation while the Department of Health deals with health and social care aspects of domestic violence) (*ibid*). Each of the Inter Ministerial Groups was required to publish either a delivery or an action plan in order to ensure that key deliverables were achieved<sup>19</sup>.

These groups were replaced in 2010 by a Violence Against Women and Girls (VAWG) Inter-ministerial Group chaired by the Home Secretary which meets quarterly to address issues across government and monitor progress on *the Ending Violence Against Women and Girls Action Plan* (2011). A cross-departmental VAWG Delivery Board, also managed by the Home Office, with responsibility for oversight of the actions which individual departments have committed to carry out, reports to the Inter-Ministerial Group and meets regularly with representatives from the Women's sector.

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## 7. LOCAL PARTNERSHIPS

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National policy promoting multi-agency working to combat domestic abuse problem is replicated, not only at ministerial level, but also at the local community level. Participating agencies include local authorities, housing services, police, the health service, probation, education and the voluntary sector (Hague, 2000). Local inter-agency initiatives specialise in networking and exchanging information, as well as monitoring and co-ordinating the work of member agencies (*ibid*). More than 200 local multi-agency initiatives concerning domestic violence had been established by 2006 (Harwin, 2006). Localism is a key policy imperative of the current Coalition government with central government currently working directly with the Local Government Association and Local Government Improvement and Development "to support greater provision of quality local services for women and girls and to support greater innovation" (Home Office, 2011 p. 34).

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<sup>18</sup> Home Office, Constitutional Affairs, the Solicitor General, Department of Health, Department for Children, Schools and Families, Department for Constitutional Affairs, Her Majesty's Treasury, Foreign and Commonwealth Office, Government Equalities Office, Department for Communities and Local Government, Department of Trade and Industry, Office of the Deputy Prime Minister, Department for Work and Pensions, Northern Ireland Office, National Assembly for Wales. Available at: [http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-crime/10127\\_HO\\_Inter-ministerial\\_DomVifd95.html?view=Standard&pubID=636980](http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-crime/10127_HO_Inter-ministerial_DomVifd95.html?view=Standard&pubID=636980)

<sup>19</sup> [www.coe.int](http://www.coe.int)

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## **7.1 Crime and Disorder Reduction Partnerships**

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Governmental encouragement of the development of local partnerships dates from the 1990s and includes Crime and Disorder Reduction Partnerships (CDRPs), established by the Crime and Disorder Act 1998 (Home Office, 2009a) and local domestic violence fora. The Crime and Disorder Act 1998 places a statutory requirement on local authorities to monitor the level of domestic abuse in their communities and establish partnerships in order to reduce the problem as well as to pressurize more reluctant agencies (Radford & Gill, 2006). CDRPs bring together the representatives of statutory, voluntary and private organisations which deal with crime reduction including domestic violence. Diamond *et al.* (2004) found that the majority of CDRPs had made progress in their response to domestic violence, but noted delays in some partnerships implementing legislation and organising their multi-agency approach. Netto *et al.* (2009) argue that some agencies brought together in order to deal with domestic abuse struggled with compromising on shared terminology and understanding of their own responsibilities under the legislation. Radford & Gill (2006) suggest that effective partnership might be hampered in the multi-agency approach when no agency actually takes the leading role.

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## **7.2 Current Partnership Policy**

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The current government's approach to partnership working (Home Office, 2011) supports innovation and development at local community level and also highlights the importance of partnership working at European and international levels. Local pilot projects supported by the government to end violence to women and girls include working in partnership to obtain the best outcome for victims and their families by supporting community and voluntary groups to take a stand against violence and helping them understand how to do this effectively; strengthening the role of the community in tackling Violence Against Women and Girls by encouraging people to help themselves and each other; using community-based initiatives such as community coaching and participatory budgeting; developing an on-line tool to raise awareness about Violence Against Women and Girls and inform the decision making process of local bodies or organisations that make funding decisions; and developing a needs assessment toolkit on sexual violence to provide a local dataset that can inform local statutory assessments. On an international level, the current government's Action Plan on partnership includes working with UN Women to ensure it focuses on key priorities in relation to Violence Against Women and Girls and the delivery of the Millennium Development Goals; and continuing to support the role and contribution of the Council of Europe (CoE) in preventing and responding to Violence Against Women and Girls and learning from the experiences of other European states in their efforts to address violence and continuing to support the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015 (Home Office, 2011).

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## **7.3 Multi-agency Risk Assessment Conferences (MARAC)**

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The multi-agency risk assessment conference (MARAC) is a forum where multiple agencies (e.g. police schools, victim support agencies, health services, social services, probation, prison services) get together to provide a local, coordinated response for those at the highest risk of domestic violence (Smartt, 2006). If someone is assessed as at very high risk of domestic abuse (e.g. s/he has scored very high on a standard risk assessment), s/he will be referred to MARAC, a monthly meeting chaired by the police. It is intended to share information about very high risk clients in order to prevent homicide, develop a safety plan, put all possible



support in place and lower the risk as soon as possible. MARACs were piloted in Cardiff in 2003 and evaluation studies (Robinson, 2004; Robinson & Tregidga, 2005) indicate that MARAC conferences lead to significant improvements in the safety of victims and their children and promote better standards of professional practice. By 2009, 200 local areas had MARACs in place which over 12 months (2008-9) worked to protect over 29,000 victims of domestic abuse (Home Office, 2009a). MARACs are not protected by statute as yet, but there is a growing call for legislation in this area (CAADA, 2010) as it is increasingly seen to be an effective model for mobilising support services for victims and promoting early intervention.

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## 8. NON-GOVERNMENTAL ORGANISATIONS

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Non-governmental organisations (NGO) have played a significant role in shaping domestic violence policy. Feminist activism played a crucial factor in uncovering violence against women. In 1970s women's organisations (Refuge and Women's Aid<sup>20</sup>) took a lead in helping women experiencing domestic violence (Radford, 2004; Harwin, 2006) and established the first women's refuges. The women's movement also commenced a campaign for policies that aimed at law reform, welfare benefits, housing provision and emergency assistance for victims of domestic abuse (Radford 2004)<sup>21</sup>. Since the 1970s women's organisations have called for criminalisation of domestic violence. This campaign became a strategy, a successful one in many respects (Hester, 2005) in that it led the seriousness of problem of domestic violence being recognised and promoted policy development (Radford & Gill, 2006). Non-governmental organisations have played a very important role in advocating to government for service improvement. Women's Aid, jointly with the Refuge, are recognised and accepted by the government as expert organisations dealing with domestic violence (Hague, 2005). The women's sector is recognised as possessing the strongest knowledge in the area of domestic violence (Mayor of London, 2001). The range of measures that are undertaken by this sector is diverse however they are mostly focused on delivering services, advocacy, good practice advice, code of practices and a wide range of publications and research as well as newsletters (posters, leaflets) that undoubtedly have influence on policy formation<sup>22</sup>. The following organisations are examples of non-governmental organisations which prioritise combating domestic violence in England: Action on Elder Abuse; Broken Rainbow; Citizen Advice Bureau; Domestic Violence Intervention Project; Everyman Project; Greater London Domestic Violence Project; Justice for Women; ManKind Initiative; Men's Advice Line; National Centre for Domestic Violence; POW! Prostitute outreach workers; Rape Crisis England and Wales; Refuge; Rights of Women; Standing Together Against Domestic Violence; Survivors UK Ltd; The Zero Tolerance Trust; Victim Support and Women's Aid.

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<sup>20</sup> These organisations still work closely with the government. For instance, the branch in England chairs the UK Women's National Commission Violence against Women Group. Women's Aid cooperates with the All-Party Parliamentary Group on Domestic Violence (Harwin, 2006)

<sup>21</sup> It is worth noting that the first documented political campaign against wife abuse took place in the United Kingdom in the late 19<sup>th</sup> century.

<sup>22</sup> For example, the report and book, *Not worth the Paper* was submitted as the evidence to the Law Commission review of domestic violence law in 1990 and led to further changes e.g. the Family Law Act Part IV (Harwin, 2006)

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## 9. EMPLOYERS

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The Corporate Alliance against Domestic Violence aims to raise awareness of and take action to reduce the social and economic impact of domestic violence in the workplace as well as shape policy in this matter. The chair of trustees is Baroness Scotland QC. Its members include representatives from employers such as The Body Shop International and the media industry. The strategic direction of the Alliance is managed by an executive team. This group assembles representatives from AOL/Time Warner, BBC, KPMG, Vodafone, Department of Health and NHS Employers <sup>23</sup>.

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## 10. CONCLUSIONS

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Overall, domestic violence requires the engagement of numerous agencies at national and local level. Nevertheless, the strategy or response to family violence should not be approached as a 'one size fits all' system, as 'different institutions speak different languages', therefore a multi approach, if working effectively, is desirable. Despite many improvements in the domestic violence policy in England observed over the last few years, it is difficult to measure the quality of these initiatives. Lack of full scale evaluation of existing policies and strategies hinders a reasonable assessment of the policies mentioned in this report. Further, it seems that domestic violence policy is not only differentiated between national and local parties but is also differentiated geographically. Fragmented and uneven services, regional discrepancies result in varying levels and quality of the response/service for domestic violence victims (Radford & Gill, 2006). Undoubtedly, family policy in England needs to be more firmly integrated with the domestic violence strategy (Harwin, 2006) as contact between children and abusive men/women might further endanger the victims. The government policies on crime reduction have been contradicted by the approach to the family, for example, strengthening of fathers' rights and duties may have allowed violent parents to abuse their partners and children even after separation (Radford, 2004).

It is worth noting that future policies devoted to combating domestic violence might be linked to the cost to society resulting directly or indirectly from experiencing this abuse. There have been ongoing attempts to estimate the cost of domestic violence (Walby, 2009)<sup>24</sup>. Further, there is no clear funding source for the interlinking of domestic violence services (Hague, 2005). It is even more complex when dealing with funding of refuge and children's services across the UK (Harwin & Brown, 2000). This problem is circumvented in key policy documents.

As Young (1999) points out, there is a consistent path of criminalising the domestic abuse problem. For the purpose of preserving the balance in legal services, policy should include more training for solicitors from both civil and criminal fields. It is arguable that too much attention is given to the criminal justice system, thus civil remedies are not being successfully delivered because of lack of knowledge (Burton, 2009). One million cases

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<sup>23</sup> <http://www.caadv.org>

<sup>24</sup> Walby found the cost of domestic violence had reduced between 2001 and 2008 by almost 30% from £22.9bn to £15.7bn. Cost estimates include emotional cost. (Home Office, 2010)

of domestic violence are reported to the police each year (Home Office, 2010, p.50)<sup>25</sup> from which just 200,000 incidents result in the arrest of the perpetrator ([www.politics.co.uk](http://www.politics.co.uk)). Legal remedies do not seem to be the only solution to domestic violence and the limitations of legal responses to domestic violence need to be recognised. Another issue is male victims of domestic violence and the fact that only a small proportion of men who are victims of domestic violence have contact with the criminal justice system, therefore complementary, preventive and local community remedies are desirable (Lewis, 2004).

The migration policy, which was absent in the review, is also linked to the issue of domestic violence as the immigration status of women might be dependent on their husbands and the power imbalances within a marriage are further weighed against women by law (Sundari, 2008). A threat of deportation might be a constraining factor in reporting the incident of domestic abuse, thus future policy recommendations should recognise this matter as a serious.

Policy diversification means that not all groups are sufficiently protected and not sufficiently investigated as far as domestic violence is concerned. More attention needs to be paid to the needs of groups such as prisoners, people with mental health problems and learning disabilities, and migrant groups. Current English policy initiatives (Home Office 2010 and 2011) however do have a welcome focus on the needs of children and younger people in relation to domestic violence and abuse.

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<sup>25</sup> Figures derived from 2009/10 British Crime Survey data Available at: <http://rds.homeoffice.gov.uk/rds/>

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