



Federation Northern Ireland

RESPONSE TO

Draft Guidance on Public Protection Arrangements Northern Ireland Consultation

August 2008

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Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children. We recognise domestic violence as one form of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

Women's Aid services across Northern Ireland include:

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1104 women and 902 children sought refuge in 2006 - 2007
- 12 resource centres for women seeking information and support; group work and training.
- 24 Hour Domestic Violence Helpline 0800 917 1414
- Move-on houses for women and children leaving refuges.
- Floating Support for women staying at home.
- Training on domestic violence and related issues.
- Inter-agency work across Northern Ireland.
- Young Person's Development Project.

The following response is based on consultation with Women's Aid Federation Northern Ireland and our ten local Women's Aid groups. The term Women's Aid refers to the Federation and the local groups.

Women's Aid welcomes the publication of this consultation on the draft guidance on public protection arrangements for Northern Ireland and the opportunity to comment upon it.

1. DOMESTIC VIOLENCE

Domestic violence is one form of violence against women:

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- Women are not passive victims of domestic violence. With support women have the capacity to cope with and survive the violence and abuse they experience.
- Domestic Violence is a crime. PSNI statistics for 2007/08 indicate that there were more recorded crimes with a domestic

motivation (9,283) than the combined total of all the following crimes (9,254). These include all recorded sexual offences (1,822), robbery (607), armed robbery (444), hijacking (92), theft or unauthorised taking of a motor vehicle (3,336), arson (2,244) dangerous driving (513), handling stolen goods (191) and offences under anti-terrorism legislation (5).

2. Core Work of Women's Aid

The core work of Women's Aid in Northern Ireland, including the Federation and local Women's Aid groups is:

- To provide refuge accommodation to women and their children.
- To provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- To provide a range of support services to children and young people who have experienced domestic violence.
- To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence.
- To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- To work in partnership with all relevant agencies to ensure a "joined up" response to domestic violence.

In this context, Women's Aid welcomes the multi-agency approach under-pinning the draft guidance and that the rights of the victim are prioritised within the document. Similarly that a determination is expressed to manage victim expectations. We further welcome the proposals designed to protect potential victims and to prevent re-victimisation. We are also encouraged by the stated aim of engaging proactively with victims, their families and carers and the acknowledgement of the key role these individuals can play in the successful formation of effective Risk Management Plans.

3. Concerns – Suitability of Arrangements to Domestic Violence Perpetrators & Victims

- 3.1. We note with concern, that the draft guidance only specifies sexual and violent/potentially violent offenders.
- It is our view that the use of these general categories fails to acknowledge that domestic violence is an unique crime, with specific characteristics and consequences and must therefore be identified and addressed as an individual category of criminal activity.

- It also fails to address the significant demonstrable links between domestic violence and other violent crimes such as sexual offences and murder.
 - PSNI statistics indicate that of the 25 murders committed in Northern Ireland in 2007/08, 11 had a domestic motivation. This represents approximately 44% of all murders committed. The Home Office report, "Domestic Violence, Sexual Assault and Stalking" (Finney, 2006) based on data from the 2004/05 British Crime Survey, revealed that in instances of serious sexual assault against a female aged 16 years and over, in 51% of cases the offender was the victim's partner. On this basis, we feel it is essential that the domestic violence offender is specifically categorised and addressed within any public protection plans.
- 3.2. The guidance proposed in the consultation document also states that risk management plans and public protection arrangements can only be developed for offenders who have passed through the criminal justice system. Women's Aid would wish to highlight that many perpetrators of domestic violence never enter the criminal justice system.

MARAC

- In addressing this issue, we note the very positive work carried out in the Ballymena and surrounding areas, by the Multi Agency Risk Assessment Conference (MARAC). This pilot project has focused on protecting high risk domestic violence victims. Some of the perpetrators identified have not been through the criminal justice system which means that protection is available to victims who would otherwise be unprotected.
 - MARAC has demonstrated effective multi-agency work and delivered for domestic violence victims.
 - PSNI are committed to the roll out of MARAC across Northern Ireland and this has the full backing of Women's Aid and the Regional Steering Group on Domestic Violence.
 - It is therefore essential that the interlinkage between MARAC and the new PPANI is examined and formalised.
- 3.3. If, as proposed, risk management plans are to be developed in consultation with victims, it is the view of Women's Aid that these individuals must be supported throughout the process and the weight given to the information/evidence they supply, must be clearly determined and outlined. It is also important to clarify that any information supplied by the victim will be handled sensitively and that they will be believed.
- 3.4. We are also concerned that the welfare of victims should be considered at all times, when determining the method of communicating decisions regarding risk management plans. Victims must be afforded help and

support to fully understand the implications of any decisions made and their rights.

- 3.5. We believe that information regarding support services, such as Women's Aid, should automatically be supplied to victims. Women who are victims of domestic violence, should always be informed of the resources available to them.
- 3.6. In cases of domestic violence, Women's Aid do not believe it is ever appropriate for the domestic violence offender to contribute to their own risk management. (Pg.8, 2.5)
- 3.7. In upholding the general stated principle that offenders/pdps individual rights, "should never take priority over public protection," (Pg.8, 2.5) it should be noted that a domestic violence offender may not represent a significant risk to the wider public but rather to a specific individual or group of individuals, therefore clarity on what constitutes "public protection" is required in this context.
- 3.8. It is our view that the process of assigning a Local Area Public Protection Panel (LAPP) to a domestic violence offender, will frequently prove problematic and as such may often fall to the Strategic Management Board, as domestic violence offenders are not currently required to register their whereabouts as a condition of their release. In the context of public protection arrangements, Women's Aid would welcome proposals which did ensure a level of scrutiny for released domestic violence offenders.

4. Concerns – Identification of Relevant Offenders/Potentially Dangerous Person's with PPANI

- 4.1. The draft guidance states that it is not until 1st October 2010 that an individual "interviewed by police for an alleged or suspected violent offence (including homicide) in a domestic or family circumstance and is in the process of being reported with a view to prosecution," will be considered as a, "Relevant other potentially dangerous person." Women's Aid is strongly opposed to this lengthy delay and is concerned about the consequences both for the safety of women and for the position of domestic violence within the wider agenda of public protection, which this indicates. (Pg.9, 2.6)
- 4.2. Clarity is also required as to whether or not the police interview, in this circumstance, must be under caution. (Pg.9, 2.6)

- 4.3. We also feel that there is a lack of guidance on where domestic violence victims fit within the definition of a “vulnerable adult,” as defined in the draft document. (Pg. 10, 2.6)
- 4.4. We would also request clarification on one of the stated definitions of serious sexual assault as, “The use of intentional/expressive violence *over and above* that required to control the victim....” (Pg.10, 2.6)
- Similarly the guidance does not clarify if rape in this context is required to have been reported, and in the process of progressing through the criminal justice system. This is particularly troubling to us considering the fact that most rape is not reported. (Pg.10, 2.6)
5. **Concerns – Risk Management Plans, The Composition of Local Area Public Protection Panels (LAPPS) & The Strategic Management Board (SMB)**
- 5.1. As the lead voluntary organisation in Northern Ireland addressing domestic violence, it is the view of Women’s Aid that the organisation must play a central role in contributing to the formation and oversight of risk management plans if they are to be effective in this context. It is also our position that Women’s Aid must be afforded the opportunity to provide support to victims and to ensure that their rights are protected. The absence of Women’s Aid representation on both the LAPPS and SMB, represents a serious omission.
6. **General Comments**
- 6.1. Effective multi-agency communication appears to be central to the successful execution of the plans outlined in the draft guidance. Much of the detail of the communications protocol however, appears to be left in the hands of the agencies themselves to formulate in accordance with existing statutory requirements. A uniformity of approach might perhaps be more appropriate to ensure a timely, secure and accurate transfer of information. Similarly clarification is required as to how the statutory bodies will communicate with the voluntary sector.
- 6.2. Whilst the principle of multi-agency working is welcomed and supported by Women’s Aid, it would appear that these agencies will be predominantly statutory in nature. If the plans simply result in the creation of a criminal justice forum, it will be a fundamentally flawed approach, which will lose the added value of a cross-sectoral, multi-agency membership.
- 6.3 Women’s Aid would also suggest the need for greater detail on the timescales proposed for the delivery of risk management plans. In particular whether temporary measures will be put in place in advance of

the plan's implementation. This would seem particularly relevant for Category 2 & 3 offenders.

- 6.4 Women's Aid would like to propose that a pilot study be undertaken, utilising anonymous case studies, to test how the new arrangements might work in practice, particularly in respect of the very specific nature of the crime of domestic violence.

7. **Recommendations**

- 7.1. Women's Aid believe that it is essential to re-think the categories of offenders listed in the draft guidance. Domestic violence perpetrators must be classified as a specific category of violent offender.
- 7.2. We believe that much greater emphasis should be placed on the active engagement and participation of the voluntary sector in the proposed plans. Women's Aid should be directly involved in both the preparation and oversight of risk management plans and be afforded the opportunity to participate actively on the Strategic Management Board.
- 7.3. MARAC must be considered and the intersection with the new arrangements should be formalised.

For further information about this response contact:

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