



Federation Northern Ireland

## Department of Justice

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# A Response to: Sharing Information About Family Proceedings Concerning Children

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**Women's Aid Federation Northern Ireland**

129 University Street  
BELFAST BT7 1HP

Tel: 028 9024 9041

General Email: [info@womensaidni.org](mailto:info@womensaidni.org)

Website: [www.womensaidni.org](http://www.womensaidni.org)

24 Hour Domestic Violence Helpline - 0800 917 1414

Email support: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)

Text SUPPORT to 07797 805 839

*Open to anyone affected by domestic violence*

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## **Core Work of Women's Aid: Background Information & Statistics**

### **1.0 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.

### **2.0 Core Work of Women's Aid**

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and the 10 local Women's Aid groups is:

- To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- To run the 24 Hour Domestic Violence Helpline.
- 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 run preventative education programmes in schools and other settings.
- 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.

### **3.0 Women's Aid Statistics (2010 - 2011)**

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1058 women and 754 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 3,450 women and 3,739 children accessed the Floating Support service enabling women to access support whilst remaining in their own homes and communities.
- Move-on houses for women and children leaving refuges.
- In 2010/11 the 24 Hour Domestic Violence Helpline, open to anyone affected by domestic violence, managed 38,296 calls. This represented an increase of 18% on 2009/10.

### **4.0 Additional Women's Aid Statistical Data**

- Since 1999, Women's Aid across Northern Ireland gave refuge to 14,714 women and 14,356 children and young people.
- During the last 16 years Women's Aid Federation Northern Ireland managed 282,860 calls to the 24 Hour Domestic Violence Helpline.

### **5.0 Statistics: Domestic Violence & 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”;
- The joint DOJ, DHSSPS Strategy “Tackling Violence at Home” estimates that the cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to £180 million each year.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.
- Where the gender of the victim was known, 76% of adult victims of domestic crimes recorded by the PSNI in 2010/11 were female.\*
- Over 30% of all domestic violence starts during pregnancy. \*\*

## 6.0 Domestic Violence: Crime Statistics

- Domestic Violence is a crime. PSNI statistics for 2011/12 indicate that there were more recorded crimes with a domestic motivation (10,387) than the combined total of all the following crimes (10,327) – all recorded sexual offences (1,836), shoplifting (6,201) and theft of a motor vehicle (2,290).
- PSNI Statistics for 11/12 indicate that they responded to a domestic incident every 21 minutes of every day of the year.
- The total of 10,387 crimes with a domestic motivation in 11/12 represents an average of approximately 1 domestic crime every 51 minutes in Northern Ireland.
- The number of all recorded offences of murder in Northern Ireland in 11/12 total 16. Those classed as having a domestic motivation total 3. Therefore, 19% of all murders in Northern Ireland in 11/12 had a domestic motivation.
- There were 553 rapes (including attempted Rapes) in Northern Ireland in the period 2011/12.

(Source: PSNI Statistics 2011/12)

- Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.
- Violence Against Women is not limited to domestic violence, it includes amongst other crimes murder, rape, sexual assault, sexual exploitation, trafficking, sexual stalking and sexual harassment.

(\*Findings from the PSNI Crime Statistics Report 2010/11 N.B. "Adult" defined as aged 18 and over)

(\*\* Women's Aid Federation NI)

## **7.0. Comments**

- 7.1 Women's Aid Federation Northern Ireland welcomes the publication of the Discussion Paper on Sharing Information About Family Proceedings Concerning Children, and the opportunity to comment upon it on behalf of our ten local groups.
- 7.2 Women's Aid generally supports the aim of the document to "ensure that information can be shared more easily between the appropriate people where there is a legitimate reason for it to be shared" (at paragraph 5.1). We welcome that progress is being made to address the disparity between the law as it stands, and note the practical need for some forms of information sharing in certain circumstances.
- 7.3 This response does not address all of the questions posed in the consultation document. However, it may be taken that the following points encapsulate the position of Women's Aid Federation Northern Ireland.

### **Disclosure by a party to the proceedings**

#### **8.0 For what purpose should a party to family proceedings concerning a child (or a legal representative acting on their behalf) be able to share information about the proceedings with a person not involved in the proceedings, without needing the court's permission?**

- 8.1 Women's Aid supports amending the current law to allow for sharing of information in certain circumstances. We recommend changing the law along the lines of the English model as outlined in paragraphs 4.1 – 4.3. By "focusing on the purpose for which the information is disclosed rather than what information may be disclosed" (paragraph 4.2), a more flexible and sensible approach to sharing information concerning children can be developed.
- 8.2 There are a number of valid reasons why sharing such information could be necessary and beneficial to the parties involved in proceedings. These would include obtaining support, advice or assistance in relation to proceedings, and also general support and counselling. In the case of victims of domestic violence, family proceedings and their outcome are inherently linked to any action taken by the victim to manage, or remove themselves from, their abusive situation. If a victim has sought support via either Women's Aid refuge services or our outreach support, it is necessary that their assigned keyworker is able to understand exactly what a victim's circumstances are in order to offer appropriate support and advice. In some situations, this might include support and advice arising out of contact arrangements or other decisions relating to their children.

- 8.3 It is also necessary for a victim of domestic violence to be able to talk about all aspects of their circumstances to the person who is supporting them, for the purposes of counselling and emotional support. Victims who are involved in proceedings with a partner or ex-partner remain in a vulnerable emotional position, and it is essential to their wellbeing and safety that they can share all necessary information and developments with their support worker and obtain counselling and emotional support when required.
- 8.4 Women's Aid would therefore urge that information should be able to be shared not only to obtain advice and support directly relating to the proceedings, but when necessary to protect the wellbeing of the party involved, unless this would be damaging to the welfare of the child. This would be provided that the proceedings bear relevance to the problem being experienced by the party in question, as would be the case with domestic violence. We believe that, in cases where mothers are victims of domestic violence, acting to safeguard the welfare of the mother also benefits the welfare of the child. It should be explicitly stated in law that sharing information is permissible in such instances.
- 8.5 It is also necessary that a victim of domestic violence is able to share information about an ongoing family proceeding with medical practitioners, police, and any counsellor or support worker, as outlined in paragraph 3.10.
- 8.6 It may be necessary to share certain information with people not party to family proceedings in the interests of the child. This might include sharing information with a child's doctor or counsellor, or with the child's school.
- 8.7 We would also support changing the rules to allow for sharing of information for practical considerations. This would include sharing relevant information with a child's schoolteacher and / or principal, and with childcare providers. If a child is absent from school for several days due to a domestic violence-related issue, it is in the interest of the child that their school is aware of the situation. This might necessitate sharing some information about ongoing family proceedings. It might also be necessary to share some information about a case when arranging childcare to allow the party to attend court. Other practical considerations might include sharing information with an employer to explain absenteeism to attend proceedings. In these instances, it is sometimes necessary to share at least some information about family proceedings in order to make these practical arrangements.
- 8.8 Women's Aid supports the relaxing of the rules in some instances for the purposes of research, and for the purposes of raising issues of concern regarding the operation of the family justice system. Scrutiny of the legal system makes for a healthy legal system, and sharing of certain information about family proceedings concerning children would allow improved research into, and scrutiny of, the family law system in

Northern Ireland. However, we don't believe that this access should be unrestricted or open to all. Research should be properly constituted and ethically approved before access to information is granted.

- 8.9 We reiterate that care must be exercised to ensure that information sharing does not damage the welfare of the child. For this reason, we would be opposed to relaxing the law to allow information sharing with the media or general public. We support the limitation in paragraph 5.9 that information cannot be shared with the media or general public.
- 8.10 We support the caveat in paragraph 5.8, that "courts would still have the power to authorise or restrict the disclosure of information in an individual case", However we would recommend that where domestic violence is an issue, victims should always be able to share information with their Women's Aid keyworker to ensure that they are being supported in the best way possible.

#### **Disclosure by a person or body who has (lawfully) received information about family proceedings concerning a child**

##### **9.0 In what circumstances should a person or body who has (lawfully) received information about family proceedings concerning a child be able to share the information further?**

- 9.1 The inability to constructively share information can lead to decisions being made in one court, for example regarding contact arrangements, without knowledge of what is happening in another. Women's Aid workers have witnessed the negative effects of this communication breakdown between branches of the court and between legal representatives, and in the case of domestic violence this has in the past led to ill-informed decision-making.
- 9.2 We believe that the complexities of all the facets of domestic violence cases necessitate a specialist domestic violence court to be established in Northern Ireland. However, in the interim, improved sharing of information between courts on different proceedings relating to the same family would be hugely welcomed.

For further information about this response contact:

Louise Higgins  
Regional Policy & Information Co-ordinator  
Women's Aid Federation Northern Ireland  
129 University Street  
BELFAST  
BT7 1HP  
Tel: (028) 9024 9041

Website: [www.womensaidni.org](http://www.womensaidni.org)

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