



Consultation response to

**Consultation on Safeguards to Protect
the Individual Decisions on the Granting
of Civil Legal Aid**

Department of Justice

31 May 2013

Women's Aid Federation Northern Ireland
129 University Street
BELFAST BT7 1HP

Tel: 02890 249041

Fax: 02890 239296

General Email: info@womensaidni.org

Website: www.womensaidni.org

24 Hour Domestic Violence Helpline - 0800 917 1414

Email Support: 24hrsupport@dvhelpline.org

Text SUPPORT to 07797805839

Open to all women and men affected by domestic violence

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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 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.

Throughout this consultation response, the term "Women's Aid" is used to reflect the overall Women's Aid movement in Northern Ireland, which is made up of ten local Women's Aid groups and Women's Aid Federation. The ten local Women's Aid groups are all members of Women's Aid Federation Northern Ireland. Each Women's Aid group offers a range of specialist services to women, children and young people who have experienced domestic violence.

3.0 Women's Aid statistics (2011-2012)

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 831 women and 586 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 3,663 women and 4,152 children accessed the Floating Support service, and a further 1,909 women accessed other Women's Aid outreach services, enabling women to access support whilst remaining in their own homes and communities.
- Move-on houses for women and children leaving refuges.
- The 24 Hour Domestic Violence Helpline, open to all women and men affected by domestic violence, managed 43,949 calls.

4.0 Additional Women's Aid statistical data

- Since 1999, Women's Aid across Northern Ireland gave refuge to 15,545 women and 14,942 children and young people.
- During the last 17 years Women's Aid Federation Northern Ireland managed 326,809 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, 75% of adult victims of domestic crimes recorded by the PSNI in 2009/10 were female.¹
- Over 30% of all domestic violence starts during pregnancy.²

¹Findings from the PSNI Crime Statistics Report 2010/11 N.B. “Adult” defined as aged 18 and over

²Women's Aid Federation Northern Ireland

6.0 Domestic violence: Crime statistics (Source: PSNI Statistics 2011/12)

- 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.

7.0 Consultation response

- Women’s Aid Federation Northern Ireland welcomes the publication of the *Consultation on Safeguards to Protect the Individual Decisions on the Granting of Civil Legal Aid*, and the opportunity to comment on it on behalf of our local groups.

8.0 Question 1: Do you agree that the proposals in this paper provide adequate safeguards over the award of civil legal aid by an agency of the Department of Justice?

Question 2: If not, what additional/alternative safeguards do you consider are necessary and proportionate?

- Women’s Aid welcomes the proposals to implement the recommendations of the Access to Justice Review, in order to ensure that decisions in the granting of legal aid are independent, equitable and transparent. We agree that “such arrangements must be seen to be protected from external interference and, in particular, be free from political or sectional interest”, and that “individual decisions need to be taken on the merits of the case and not influenced by political or budgetary considerations.” (at 2.3, page 4)
- Women’s Aid is generally supportive of the proposed measures contained within the consultation document, and we welcome that it adopts the recommendation in the Access to Justice Review that the Minister’s role should be to “legislate and issue guidance on legal aid matters but not to play any part in decision-making on individual cases.” In our view it is logical that the Minister and the Department should be involved in policy making but be completely removed from influencing decisions on individual cases. We support the specific prohibition on Ministers issuing guidance on or direction about the discharge of the Statutory Office Holder’s functions in relation to individual cases (at para 3.6, page 6).
- Women’s Aid supports the aim contained within the document to ensure “visibility of the reasons for refusing an application” (at para 2.5, page 5). The outlined application process, which includes both the opportunity to address reasons given for initial refusal and appeal to an independent body, appears to promote fairness and transparency. We would urge that, in order to ensure that the process is truly fair and transparent, reasons given should be specific, relating to specific criteria, and reference the application so that those reasons can be addressed effectively, to avoid the giving of reasons becoming a mere

'box-ticking exercise'. We would recommend that guidance set for making decisions should include stipulations to this effect.

- Women's Aid notes that in the Access to Justice Review, it was recommended that a small Advisory Board be set up to assist with complex cases and appeals. While the consultation document does propose setting up an Appeal Panel, their role appears to be limited to adjudicating on a case, with just one member of the panel dealing with an appeal. We would suggest that the role of the Appeal Panel might be more robust if its remit was broader along the lines of the suggested Advisory Board, and it was able to act in an independent advisory capacity to the Minister on legal aid policy matters, and provide assurance on the independence of decision-making in the Agency.

10.0 Contact details

For further information about this response please contact:

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

Email: louise.kennedy@womensaidni.org

Website: www.womensaidni.org

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